18. Sanitation and Conservancy—Cranganur—Rs. 3,766

Dr. A. R. Menon *(Minister for Rural Development):* Sir, I move for a grant of Rs. 3,766 under 18, Sanitation and Conservancy, Cranganur. I request the House to grant the allotment.

Demand put and carried

The House rose for lunch at 1-25 p.m. and re-assembled at 2-45 p.m. with M. R. Ry. V. K. Krishnankutty Avl., Panel Chairman, in the Chair.

3. Panchayats—Rs. 2,69,831

Dr. A. R. Menon *(Minister for Rural Development):* Sir, I move for an allotment of Rs. 2,69,831 for Panchayats. Before moving this motion, I wish to make one or two preliminary remarks on the working of this Department. It has been the custom of this House to express on various occasions that the powers of the Panchayats should be increased so as to make them self-sufficient and self-relying units. At every conference the Panchayat has been claiming for additional powers and after prolonged consideration of conflicting views as propounded by different parties and different interests, we have come to the definite conclusion that it is not proper to stand where we stand. Either we must proceed further or we must take a retrograde step. In all these self-governing institutions unless adequate powers are given, there is a tendency for institutions of this kind to decay and die. This stage it has reached when further powers should be given to the Panchayats and in fulfilment of the gracious promise given to the Panchayat Conference by His Late Highness, further powers have been extended to these Panchayats. It is the intention of the Government in the very near future to give complete autonomy to the Panchayats allowing them to carry out all the works under their responsibility and under their jurisdiction either departmentally or by calling for tenders by the Panchayats themselves, the Government officials and technical officers only tendering necessary advice and directions to the department concerned. The experiment has already been started, and I am very glad to note that in many Panchayats our expectations have been completely fulfilled by the Panchayat turning out excellent work, though we were disappointed in one or two places. It is inevitable at the beginning of any such changes, some such disappointment may arise. Yet, on the whole, as I said, the experiment seems to be a successful one and this proves that the future of Panchayats is very hopeful, indeed. I am sure, considering the general trend of the opinion in this House and the cirticisms offered by this House, that this extension of powers and privileges to

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the Panchayats would meet with the unanimous approval of the House. At the same time it is my duty again to bring to the notice of this House that with regard to the courts perhaps the Members may consider the advisability of at least a portion of the Judges being nominated by the Government or by a committee elected by this House for such nomination purposes. For, we have experienced difficulties in getting competent men to sit in court and dispose of the cases that come before them. It may be a proper thing to have executive officers on electoral basis. It is doubtful whether for the discharge of judicial work such election will always prove to be successful. Perhaps, it may not be a very successful practice to elect a Munsiff while it may be very successful to elect an executive officer for a certain area. That is only a suggestion. There is no such proposal. All that I am saying is, that unless the court is reorganised to some extent from the existing state of affairs, it may not be possible to give complete satisfaction to the public. Let not the House misunderstand me. I am only throwing out a suggestion. What I would suggest is, out of seven Judges at least three may be nominated by a panel constituted by this Council so that we may be able at least to send one or two competent men to take up the onerous duties. The cases are increasing and in some Panchayats they have got heavy work, and unless we put some able men who understand these cases, the results will not be very satisfactory. On the whole it is only fair to admit that the system has worked fairly satisfactorily. These are the only two observations I wish to make about the working of this department and I hope I will be able to give satisfactory explanations when the Hon'ble Members move the various cut motions.

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Cut Motion No. 1

Enhancing the status of Panchayat Clerks

Mr. C. V. Iyyu *(Kunnamkulam):* Sir, I beg to move *to reduce the allotment of Rs. 4,869 for Administrative Establishment by Rs. 2. (To enhance the status of the Panchayat Clerks by (i) giving pension (ii) absorbing them in the regular service entitling them for promotion).*

I do not wish to add anything more by way of speech. The matter is very clear and it is parallel to the Government's policy of giving pension to the Village Officers. Many of them are School Finals. They can be taken into the regular Panchayat Department. If it is the opinion of the communities who have not got proper representation that the appointments should be left to the Staff Selection Board, personally I have no objection. I leave the cut motion to the acceptance of the Government

Dr. A. R. Menon *(Minister for Rural Development):* This involves heavy expenditure and I am not in a position either to accept or reject the motion. I can only say that the proposal is certainly fair. I shall do my best to see whether this motion can be given effect to. Beyond that I cannot say anything.

Motion, by leave, withdrawn

Cut Motion No. 2

To correct as "Korattikara-Chalisseri Road" the item of road work noted as No. 14—Special contribution for Rural Reconstruction Works

Mr. C. V. Iyyu *(Kunnamkulam):* Sir, I rise to move *to reduce the allotment of Rs. 4,869 for Office Establishment by Rs. 2. (The necessity to correct as "Korattikkara-Chalisseri Road" the item of road work noted as serial No. 14 (Panchayat Department) in the Supplementary Budget Estimate of 1117—Appendix—Details under Appendix G—Special contribution for Rural Reconstruction works).*

Dr. A. R. Menon *(Minister for Rural Development):* We have made the necessary correction. Thank you for pointing out the mistake.

Motion, by leave, withdrawn

Cut Motion No. 3

Repairs to Moozhikkal bridge—Meloor Village

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I rise to move *to reduce the allotment of Rs. 10,280 for (g) Communications (iii) repairs by Re. 1.* My object is *to request the Government to repair immediately the Moozhikkal bridge in the Meloor Village.* The recent cyclone and floods have caused some damage to this bridge.

Sir, there is a famous temple there and this bridge is on the way to that temple. The bridge is at present in a damaged condition. I request the Hon'ble Minister to see that the bridge is repaired soon.

Dr. A. R. Menon *(Minister for Rural Development):* The matter is under consideration whether the whole bridge has to be rebuilt or only necessary repairs have to be effected. The investigation will be carried out soon and the necessary steps will be taken.

Motion, by leave, withdrawn

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Cut Motion No. 4

Improving the Nanchanthavalam patha in Kunnangattupathi

Mr. A. Eachara Menon *(Chittur-Rural):* Sir, I rise *to reduce the allotment of Rs. 14,910 for (g) Communications (iv) Original Works by Re. 1. (The omission of reforming the road—Nanchanthavalam patha—in Kunnangattupathi which was admitted by the Government not fit to be used.)*

Sir, this is not new to this House. This has been brought before the Council many a time. The Hon'ble Minister was pleased to admit that it was not fit for use and that there was a deep channel also. I thought then that the Minister will be pleased to include this work in the Budget for 1117. That is a road used by very many people. It is very necessary that that road should be repaired. I find that there is no provision in the Budget. I, therefore, commend this motion to the acceptance of the House.

Dr. A. R. Menon *(Minister for Rural Development):* Sir, the length of this road is about three miles and it involves an expenditure of Rs. 3,000 according to the report I received from the Department. There was also a promise that certain pieces of land will be surrendered. We are waiting for the surrender of the plots by the parties concerned. That was the reason for the delay. But, anyhow I shall communicate with the Department to see whether at least some repair could be effected in the coming year. We will see what more could be done even in the coming year although it is not included in the Budget.

Motion, by leave, withdrawn

Cut Motion No. 5

Constructing Adichili Road in Melur Village

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I rise *to reduce the allotment of Rs. 14,910 for (g) Communications (iv) Original works by Re. 1. (To request the Government to construct the Adichili road in the Melur village.* This road has been sanctioned two or three years ago, but it has not been completed yet).

May I know what the Hon'ble Minister has to say in this matter?

Dr. A. R. Menon *(Minister for Rural Development):* Sir, this road also requires about Rs. 3,000. Provision has been made to acquire the land which will come to less than Rs. 1,000 and after acquisition is over, this could be pushed through.

Motion, by leave, withdrawn

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Cut Motion No. 6

Paucity of roads in the Cheruthuruthi Constituency

***Mr. E. Ikkanda Warriar** *(Cheruthuruthi):* Sir, I rise to move *to reduce the allotment of Rs. 14,910 for Communications Original by Re. 1.* My object is *to bring to the notice of the Government the paucity of roads in the Cheruthuruthi Constituency.*

I think none knows this better than the Hon'ble Minister himself. I am glad that the Minister has allotted a pretty good amount this year compared with the previous years. But I would respectfully submit that that amount is not sufficient. The advantage in that constituency is that they can get lands there practically for nothing. In other words, the land acquisition charges will be very small when compared with the other places. I would therefore urge upon the Government to pay a little more attention and allot a little more money for improving the conveniences of the Cheruthuruthi Constituency.

Dr. A. R. Menon *(Minister for Rural Development):* Sir, I accept the statement that there is paucity of roads in that constituency, but I don't accept the statement that substantial work has not been done this year.

"Varavur, with the villages of Mullurkara, Varavur, Pilakod and Thichur. (2) Kariyannur with Kottappuram, Chittanda, Velluvaya and Kariyannur villages. (3) Desamangalam with Pallur, Thalasseri, Arangottukara and Desamangalam villages, (4) Cheruthuruthi with Panjal, Nedumpura, Attur, Cheruthuruthi and Pyankulam (5) a part of Chelakkara Panchayat consisting of Killimangalam and Thonnurkara and (6) a part of Velur Panchayat with Thayyur Village".

"In the above Panchayats there are at present several trafficable good roads and lanes of the Panchayat Department. There are about 35 miles of such roads fit for vehicular traffic in addition to several lanes broad and fit for any kind of ordinary traffic.

"In addition, the Chittanda-Thalasseri road, the Mundathikod-Mangad road, the Ponnani road are also P. W. D. roads running within the constituency".

I hope the House will be satisfied that substantial work is done in this constituency. If I have given the same contribution to all the villages, I shall feel myself very happy. But at the same time I shall see what more could be done.

Motion, by leave, withdrawn

Cut Motion No. 7

Opening a road in Karikad Village

Mr. C. V. Iyyu *(Kunnamkulam):* Sir, I beg to move *to reduce the allotment of Rs. 14,910 for Communications Original works by Rs. 2. (To bring to the notice of the Government the necessity to*

*Speech not corrected by the hon'ble member.

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open the Road in Karikad village referred to in question No. 28 (Legislative Session, 1116) answered on 19th November 1940 since it is known that more than ¾ of the lands to be used to have already been surrendered free and there is even a possibility of the free surrender of the greater portion of the remaining land).

In moving this motion, I beg to inform the Hon'ble Minister that it is enough that the Government make an honest attempt to get the lands free. Then it is not difficult to open the road.

Dr. A. R. Menon *(Minister for Rural Development):* This question is engaging our attention. It will be taken up afer fixing the alignment and after getting some more kychits. As far as possible, this will be attended to and this will be translated into action.

Motion, by leave, withdrawn

Cut Motions Nos. 8 and 9

Proper maintenance of the Panchayat roads and question of opening new ones

Panel Chairman: Cut motions Nos. 8 and 9 may be discussed together.

Mr. V. N. Damodaran Nambiar *(Trippunittura):* Sir, I beg to move *to reduce the allotment of Rs. 64,077 for (g) Communications total by Re. 1.* My object is *to bring to the notice of the Government the deplorable condition of the Panchayat Roads in the State.* I suppose I need not dwell at length on this subject, because most of the Hon'ble Members must know how roads within their constituencies are being maintained. I can speak with regard to my constituency that the roads are to say the least in a most deplorable condition. The reason according to me is not far to seek. Whereas we had spent Rs. 41,280 for maintenance of these roads in 1115, we propose to spend only Rs. 38,887 for 1117. Roads must have by this time increased at least by a few miles, but the provision is clearly less. This works out at Rs. 58 per mile of the road. Comparing this with the P. W. D. roads it will be seen that the provision that we are making for maintaining Panchayat roads is highly insufficient. For P. W. D. roads we are spending on an average Rs. 422 for a mile. The reason therefor is obvious. We are not setting apart sufficient funds for the maintenance of these roads in a proper condition. We open roads indiscriminately and it is a wonder to me that the Government have not even got an idea of how many miles of metalled roads they have got under the Panchayat Department. For a question put by me some time ago

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Government were not able to supply me with this information regarding the length of metalled Panchayat roads in the State. My submission to this House is that when a new road is opened under the Panchayat Department, the Government are not devoting any attention at all to the recurring charges that may have to be spent every year for maintaining these roads. Unless Government are going to set apart sufficient funds every year for maintaining these roads in a proper condition, it is not at all advisable to metal them. The roads may be opened but not metalled. The difficulty comes in when the gravel is spread on the roads. The people find it difficult to walk. If they are not metalled they can walk without any difficulty. I therefore invite the attention of the Government to this matter and request them to provide at least a fixed amount per mile of the roads they have to maintain.

Mr. V. K. Bhaskara Menon *(Cranganur):* Sir, I rise to move *to reduce the allotment of Rs. 64,077 for (g) Communications total by Re. 1.* It is *to discuss the insufficiency of the provision.* The motion that I move is one which supplements Mr. Nambiar's motion. I object to the provision both on account of insufficiency for new roads to be opened and also for repairs. Mr. Nambiar has placed some figures before the House. I would place a few more figures to show as regards the roads under the control of the Panchayat Department that the Minister is finding it impossible to make adequate provision as is necessary. It is evident from the Budget—as per the accounts of 1115 Rs. 16,000 were earmarked for the purpose of repairs to Panchayat roads. In the Budget for 1117 the amount provided is only Rs. 10,280, i.e., there is a fall of about Rs. 6,000. It cannot be the Government's case that the Panchayat roads are being properly maintained and as such no repairs are necessary. If that is the case of the Government my submission is an inspection of some of the atrocious roads on the backwater side will convince any member of the Government that these roads there have been neglected for the last so many years.

Now, as regards the paucity of decent communications on the coastal areas there has been a regular cry for a few more roads and the almost regular opposition is that because of the land acquisition charges it is not possible to open more roads. My submission to this House is that it is not in the sense that we want roads for motor traffic. There are tracts in the sea coast where there are absolutely no means of communication for people to go about. Chennamangalam has one particular Panchayat Road beginning from the bridge and extending to the northern-most end of Chennamangalam island. But there ought to be a few more Panchayat Roads so that people

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may have access to this road. Without that this road becomes practically useless, unless to a few persons who travel in cars and who want to go to inspect the Paliam Estate. Similarly, in the coastal area from Edavanakkad to Pallippuram, there is the same trouble again. I think the Minister will have realised that there are only two roads, one from Kolothumkadavu to the Palace and another a small section near Edavanakkad. My submission to the Government is that instead of spending money for opening new metalled roads small lanes may be opened so that people may have the privilege of walking upon public lanes at least. For this purpose a slightly more liberal provision will have to be made for opening new roads. Instead of making such a provision I find that although a sum of Rs. 15,751 was provided for in 1115 the amount provided for now comes to only Rs. 14,000 and odd. I am prepared to concede that there are difficulties too. But that may not really solve the problem of communication. I hope the Minister will see that earmarking of more funds for original works where roads do not exist will be made an order of the day in coastal areas, which have been for a long time completely neglected, thus giving them their legitimate share of at least unmetalled roads.

*മിസ്റ്റർ ടി. കെ. നായർ: സർ, ഇതു ബഹുമാനപ്പെട്ട മന്ത്രിയുടെ ശ്രദ്ധയിൽ അടിയന്തിരമായി പതിയേണ്ട ഒരു വിഷയമാണു്. പഞ്ചായത്തു ഡിപ്പാർട്ടുമെണ്ടു വന്നതിനുശേഷം റോഡുകളുണ്ടാക്കുകയല്ലാതെ സംരക്ഷണ നടത്തുക പതിവില്ല. എന്റെ ഓമ്മയിൽ ഇന്നത്തെ ബഹുമാനപ്പെട്ട ജോയിന്റു സിക്രട്ടറി പഞ്ചായത്തു രജിസ്ട്രാരായിരിക്കുമ്പോൾ പഞ്ചായത്തു റോഡുകൾക്കു സംരക്ഷണവേണമെന്നുള്ളതു ഗവമ്മെണ്ടിനെ ധരിപ്പിച്ചിട്ടുണ്ടെന്നാണു തോന്നുന്നതു്. അതിനുശേഷം ആദ്യമായിട്ടു വളരെ ചുരുങ്ങിയ ഒരു സംഖ്യ, രൂ. ൦ ൦ ൦ ഉറപ്പിക റോഡുസംരക്ഷണക്കായി പഞ്ചായത്തു ബഡ്ജറിൽ വകകൊള്ളിച്ചു. അതിൽപിന്നീടു് അനവധി നാഴിക റോഡുകൾ കൊച്ചി രാജ്യത്തു കൂടുതലായി ഉണ്ടായിട്ടുണ്ടു്. അവയുടെ സംരക്ഷണക്കു മുമ്പുണ്ടായിരുന്നതിലും കൂടുതലായി ആയിരമൊ രണ്ടായിരമൊ ഉറപ്പിക കൊള്ളിച്ചിട്ടില്ലെന്നു ഞാൻ പറയുന്നില്ല, മൊത്തത്തിൽ പറയുകയാണെങ്കിൽ യാതൊരു സംഖ്യയും കൂട്ടീട്ടില്ലെന്നതന്നെയല്ല പുതുതായി ഉണ്ടാക്കീട്ടുള്ള റോഡുകളൊന്നും ഗവമ്മെണ്ടിന്റെ സംരക്ഷണ ലിസ്റ്റിൽ പെടുത്തീട്ടുമില്ല; ലിസ്റ്റിൽ പെടുത്താത്തതിനൊന്നും സംരക്ഷണ നടത്തുന്നുമില്ല. എന്റെ അനുഭവം പറയുകയാണെങ്കിൽ ചില പഞ്ചായത്തു റോഡുകളെല്ലാം തോടുകൾപോലെയാണു കിടക്കുന്നതു്. കാരണം, അതിനു സംരക്ഷണയില്ല. കരാറുകാർ വന്നു് അവരുടെ പതിവുകഴിച്ചുപോയാൽ പിന്നെ ആ റോഡുകളുടെ നടുവിൽകൂടി വെള്ളം ഒലിച്ചുപോകുന്നതു് അവർ കണ്ടാൽതന്നെയും യാതൊന്നും ചെയ്യുകയില്ല.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: മണ്ണു് ഇളക്കിയിടുകയെ ഉള്ളു.

മിസ്റ്റർ ടി. കെ. നായർ: സംരക്ഷണയുള്ള റോഡിലേ മണ്ണിളക്കി ഇടുകയുള്ളു. സംരക്ഷണയില്ലാത്ത റോഡിൽ മണ്ണിളക്കൽതന്നെയില്ല. അതുകൊണ്ടു്

* Speech not corrected by the honb'le member.

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ഈ കാര്യത്തിൽ മന്ത്രി ഒന്നു പ്രത്യേകിച്ചു മനസ്സുവെക്കേണ്ടതാണു്. ഈ ഭാഗത്തുള്ളവർ റോഡു കിട്ടണം, റോഡു കിട്ടണം എന്നു പറയുമ്പോൾ ബഹുമാനപ്പെട്ട മന്ത്രിക്കു നോക്കാമെന്നല്ലാതെ യാതൊന്നും പറയുവാൻ നിവൃത്തിയില്ല. അദ്ദേഹം സ്ഥലത്തുപോയി നോക്കിയാലും കൊടുക്കാതെ യാതൊരു നിവൃത്തിയുമില്ലെന്നു തോന്നും. അതോടുകൂടികഴിഞ്ഞു റോഡിന്റെ പണി. പിന്നത്തെ കൊല്ലവും അതുതന്നെയായിരിക്കും മറുവിളി. ഈ മുറവിളി ഉള്ള കാലം മുഴുവനും റോഡുണ്ടാക്കി കൊടുക്കണം. അങ്ങിനെ റോഡുണ്ടാക്കുന്നതൊടൊപ്പംതന്നെ പിന്നത്തെ കൊല്ലം മുതൽ അതിനു സംരക്ഷണ വേണമെന്നുള്ള സംഗതി തീച്ചയായിട്ടും വിസ്മരിക്കുവാൻ പാടില്ല. ഇതു വളരെ അടിയന്തിരമായി ശ്രദ്ധിക്കേണ്ട ഒരു സംഗതിയാണെന്നു ബഹുമാനപ്പെട്ട മന്ത്രി ധരിക്കണം. ആദ്യത്തെ ലിസ്റ്റിനുശേഷം എത്രനാഴിക പഞ്ചായത്തു റോഡുകളുണ്ടാക്കീട്ടുണ്ടോ അതിന്റേറയും ലിസ്റ്റു വരുത്തണം. അങ്ങിനെ ഒരു ലിസ്റ്റു വരുത്തി മുമ്പു് ഉണ്ടാക്കീട്ടുള്ള റോഡുകളുടെ സംരക്ഷണക്കു് ഇത്ര നാഴികക്കു് ഇത്ര ഉറപ്പിക എന്നുള്ള തോതനുസരിച്ചു് ഈ പുതിയ റോഡുകൾക്കും സംരക്ഷണ കൊല്ലംതോറും നടത്തണം. റോഡുകളുണ്ടാക്കുന്നതോടുകൂടി അതിന്റെ സംരക്ഷണക്കുള്ള പണവും ആദ്യമെതന്നെ നീക്കിവെക്കണം. വസ്തു സമ്പാദിക്കുന്നതിനു മുമ്പായിട്ടു വീട്ടിലെ മേൽച്ചിലവു നോക്കണ്ടേ? കൂടും ബത്തിലുള്ള ആളുകളെ പട്ടിണി കിടത്തീട്ടു് ആരെങ്കിലും വസ്തു സമ്പാദിക്കുവാൻ പുറപ്പെടുമൊ?

മിസ്റ്റർ എ. വി. മൂത്തേടൻ: അങ്ങിനെയും ചിലർ ചെയ്യാറുണ്ടു്.

മിസ്റ്റർ ടി. കെ. നായർ: അങ്ങിനെയുണ്ടായിരിക്കാം. ആ തറവാടു് അധികകാലം നിലനിൽക്കുവാൻ പ്രയാസമാണു്. ഇന്നുള്ള റോഡുകളുടെ സംരക്ഷണം ശരിക്കു നടത്തിയാൽ മതി; അതിനുശേഷമെ പുതിയ റോഡുകളുണ്ടാക്കുവാൻ പാടുള്ളുവെന്നു ഞാൻ പറയുന്നില്ല. റോഡുണ്ടാക്കുന്നതോടുകൂടിതന്നെ സംരക്ഷണക്കുള്ള ചിലവും നീക്കിവെക്കണം. അതിനു പണം പോരെങ്കിൽ എന്തുചെയ്യും എന്നുള്ള ഒരൊറ്റ സംഗതിയല്ലാതെ വേറെ ഒരു ന്യായവും ബഹുമാനപ്പെട്ട മന്ത്രിക്കു പറയുവാനുണ്ടാകയില്ല. എന്റെ കയ്യിൽ തരുന്ന സംഖ്യകൊണ്ടുമാത്രമെ എനിക്കു ചിലവുചെയ്യുവാൻ തരമുള്ളു എന്നെ അദ്ദേഹം പറയുകയുള്ളു. അതുകൊണ്ടാണു് ആവശ്യമുള്ളിടത്തോളം സംഖ്യ റിസർവ്വഡ് ഹാഫിൽനിന്നും വാങ്ങണമെന്നു ഞങ്ങൾ ആദ്യംമുതൽ പറയുന്നതു്. ഈ മൂന്നിൽ ചില്ലാനം കൊല്ലമായിട്ടും അദ്ദേഹത്തിനു കൂടുതൽ ഒരു പൈപോലും വാങ്ങുവാൻ ഇതുവരെ സാധിച്ചിട്ടില്ല. ബഡ്ജറ്റിൽ കൊള്ളിക്കുന്ന അഞ്ചൊ പത്തൊ ലക്ഷത്തിന്റെ കാര്യമല്ല ഞാൻ പറയുന്നതു്. കൂടുതൽവേണമെന്നുള്ള സംഗതിയിൽ അദ്ദേഹത്തിനു ഗവൺമെണ്ടിനോടാവശ്യപ്പെടുവാനൊ, കാൺടിബ്യൂഷനായി സംഖ്യകൂട്ടി വാങ്ങുവാനൊ സാധിച്ചിട്ടില്ല. അന്നത്തെ ദിവാൻജി പണവും വെള്ളവും സമമാണു്, എത്രവേണമെങ്കിലും തരാം, സ്കീമുണ്ടാക്കിയാൽ മതി എന്നു പറഞ്ഞതായി ഞാൻ ഓർക്കുന്നുണ്ടു്.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: അതു് അദ്ദേഹം പറയുകമാത്രമല്ലെ ചെയ്യുള്ളു.

മിസ്റ്റർ ടി. കെ. നായർ: നമുക്കു പറയുന്നതു കേട്ടുള്ള അറിവല്ലേ ഉള്ളു. പണത്തിനു ക്ഷാമമില്ല എന്നാണദ്ദേഹം പറഞ്ഞിട്ടുള്ളതു്.

മിസ്റ്റർ വി. കെ. ഭാസ്കരമേനോൻ: വെള്ളത്തിനൊ?

മിസ്റ്റർ ടി. കെ. നായർ: അങ്ങിനെ ക്ഷാമമില്ലാത്ത ഒരു ഗവൺമെണ്ടിനു് എന്തുകൊണ്ടാണു മിനിസ്റ്ററുടെ കീഴിലുള്ള വകുപ്പുകൾക്കു് ഒരു സ്പെഷ്യൽ കാൺടിബ്യൂഷൻ കൊടുക്കുവാൻപോലും കഴിയാത്തതു്? ഇതു പറയുമ്പോൾ ഞാൻ

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ആദ്യം കോൺസ്റ്റിറ്റ്യൂഷനൽ റീഫോമിനെപ്പറ്റി പറഞ്ഞ സംഗതിതന്നെ ഒന്നുകൂടി പറയേണ്ടിവരുന്നു. മന്ത്രി അവർകൾ അവിടെ ഇരിക്കുമ്പോൾ ഒന്നുകിൽ കൂടുതൽ സംഖ്യ കിട്ടുവാൻ ശ്രമിക്കണം. അദ്ദേഹത്തിന്റെ ഈ ഒന്നോ രണ്ടോ ലക്ഷം ഉറപ്പിക്കൊണ്ടുള്ള വീതിക്കൽമാത്രമെ ഉള്ളുവെങ്കിൽ അതു് ഇനി യത്തെതവണ ഇരുന്നു വീതിക്കുവാൻവേണ്ടി അദ്ദേഹത്തെ അവിടെ കാണരുതു്. ഒന്നോ, അരയൊ, രണ്ടോ ലക്ഷം ഉറപ്പിക വീതിക്കുവാനായിട്ടുമാത്രം അദ്ദേഹം അവിടെ ഇരിക്കേണ്ട ആവശ്യമില്ല. ഇതു പറയുമ്പോൾ ഞാൻ അദ്ദേഹത്തെ രാജിവെക്കുവാനായിട്ടു പറയുന്നതായി നിങ്ങൾക്കു തോന്നരുതു്. എപ്പോഴും അദ്ദേഹം അവിടെ ഇരുന്നു കാണുന്നതു് ഞങ്ങൾക്കു വളരെ സന്തോഷമാണു്. മമ്പു ഞങ്ങൾക്കു് എത്രത്തോളം മന്ത്രിസ്ഥാനത്തിനു ഭ്രമമുണ്ടായിരുന്നുവൊ അത്രയും ഇപ്പോഴില്ലെന്നു തുറന്നുപറയുന്നു. (ചിരി) അതുകൊണ്ടു നാട്ടുകാരുടെ ആവശ്യത്തിനുവേണ്ടിവരുന്ന സംഖ്യ റിസർവെഡ് ഹാഫിൽനിന്നും തരുവാൻ സമ്മതമില്ലെങ്കിൽ അദ്ദേഹം ആ സ്ഥാനം ഒഴിഞ്ഞു് ഇവിടെ ഞങ്ങളോടുകൂടി ഇരുന്നു് ആ സംഖ്യ വാങ്ങുവാൻ വേണ്ട വേലചെയ്യണം. ഇതു രണ്ടും അദ്ദേഹം ചെയ്യാതിരുന്നാൽ അദ്ദേഹത്തെപ്പറ്റി തെറ്റിദ്ധാരണക്കിടവരും. ഇത്രമാത്രമെ എനിക്കു പറയുവാനുള്ളു.

*മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: പഞ്ചായത്തുറോഡുകളുടെ സംരക്ഷണക്കു കൂടുതൽ സംഖ്യ നീക്കിവെക്കുന്നതിനുമുമ്പായി ഇപ്പോൾ നീക്കിവെക്കുന്ന സംഖ്യ മുഴുവനും ചിലവുചെയ്യുവാൻ നോക്കണമെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്. അതായതു് ലോവസ്റ്റ് ടെണ്ടർ അക്സപ്റ്റ ചെയ്യുന്ന പ്രിൻസിപ്പിൾ എപ്പോഴും സമ്മതിക്കുവാൻ പാടില്ല. ൪൦ ശതമാനത്തിൽ കൂടുതലായി ഇന്നു മെയിൻറനൻസിൽ റിഡക്ഷൻ അക്സപറ്റുചെയ്യുന്നതായി ഞാൻ കണ്ടിട്ടുണ്ടു്. ൧൦൦ രൂപ ഉറപ്പികയുടെ പണി ൪൦ ഉറപ്പികക്കു നടത്തേണ്ടിവരുമ്പോൾ അതിൽ കൺട്രാക്ടർക്കു സ്വല്പമെങ്കിലും ലാഭമില്ലാതെ വരികയില്ല.

ഡോക്ടർ എ. ആർ. മേനോൻ: പഞ്ചായത്തിലേക്കുതന്നെ വിട്ടിരിക്കുകയല്ലെ?

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: അതിൽ ൫൦ ശതമാനമെങ്കിലും അയാൾക്കു് ആദായം കാണും. ബാക്കി ൫൦ ശതമാനമുണ്ടു്. ആ ൫൦ ശതമാനവുംകൂടി എടുത്തുകളഞ്ഞാൽപിന്നെ എന്തു സംരക്ഷണയാണുള്ളതു്? കൺട്രാക്ടറു് എല്ലുന്നതു ശരിയായി ആ പണി നടത്തുന്നു ആളാണൊ എന്നു നോക്കി, ഒരു മുതുങ്ങിയ റിഡക്ഷൻ കൊടുത്തു് അയാളെ എല്പിക്കണം.

Panel Chairman: Then you will complain that the work was not given to the lowest tenderer.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: അതുതന്നെയാണു റിഡക്ഷൻ പഞ്ചായത്തുകാക്കു കൊടുക്കണമെന്നു ഞാൻ പറയുന്നതു്. അവക്കു കൊടുക്കുകയാണെങ്കിൽ ഈ കംപ്ലെയിൻറവരികയില്ല. പുറു ഉറപ്പികയുടെ പണി പുറു ഉറപ്പികയും ചിലവാക്കി നടത്തിയാൽ നല്ലതു്. അല്ലാതെ പുറു ഉറപ്പികയുടെ പണി ൫൦ ഉറപ്പികക്കു നടത്തി പുറു ഉറപ്പികക്കു പണി നടത്തിയതായി കാണിച്ചാൽ എന്തുപണിയാണു നടത്തുവാൻ സാധിക്കുന്നതു്? അതുകൊണ്ടു നിവൃത്തിയുള്ളിടത്തോളം ഡിപ്പാർട്ടുമെണ്ടിൽനിന്നും എത്രത്തോളം പണികൾ നടത്തുവാൻ കഴിയുമോ അത്രയും ചെയ്യണം. എന്നാൽ ഈ ആക്ഷേപങ്ങൾ വരികയില്ല.

*Speech not corrected by the hon'ble member.

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മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ഈ മെയിൻറനൻസെല്ലാം അതാതു പഞ്ചായത്തുകളെ ഏല്പിച്ചുകൊടുത്തിട്ടില്ലെ?

ഡോക്ടർ എ. ആർ. മേനോൻ: ഈ കൊല്ലത്തെ പണികൾ ടെണ്ടർ വിളിച്ചു് ഏല്പിച്ചുകഴിഞ്ഞു. ഇനി പഞ്ചായത്തിലേക്കു കൊടുക്കണമെന്നാണെങ്കിൽ കൊടുക്കാം. ഇനിയത്തെ കൊല്ലം മുതൽ നിങ്ങൾതന്നെ ടെണ്ടർ വിളിച്ചുകൊള്ളുക എന്നുപറയാം.

മിസ്റ്റർ ടി. കെ. നായർ: ടെണ്ടർ വിളിക്കുവാനുള്ള അധികാരം മാത്രമേ ഇപ്പോൾ അവർക്കുള്ളു. ഡിപ്പാർട്ട്മെണ്ടിൽനിന്നു ടെണ്ടർ വിളിച്ചുകൊടുത്താൽ നല്ലൊരു കൺട്രാക്ടരാണെങ്കിലും പണി നടക്കുകയില്ല.

ഡോക്ടർ എ. ആർ. മേനോൻ: നടക്കും.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ആ റോഡിൻെറ രക്ഷയ്ക്കു ദോഷം വരികയില്ലേ? ടെണ്ടർ വിളിച്ചു കൊടുത്തിട്ടുണ്ടെങ്കിൽ ആ ടെണ്ടർ സേവിംഗ്സ് എത്രയുണ്ടോ അതു റോഡുവർക്കിനുതന്നെ ചിലവുചെയ്യുവാൻ സാധിക്കുകയില്ലേ?

Dr. A. R. Menon *(Minister for Rural Development):* There is only one condition imposed. If the estimated work is for Rs. 100 they must show Rs. 120 worth of work, because we make a reduction of 20 per cent which is a reasonable reduction if the work is being done departmentally. If this is done by tenders then this question would not arise.

മിസ്റ്റർ ടി. കെ. നായർ: അപ്പോൾ ടെണ്ടറാണു നല്ലതു്. പഞ്ചായത്തു ഡിപ്പാർട്ട്മെണ്ടിൽനിന്നാണെങ്കിൽ നൂറുരൂപത്തിനുപ്പികയുടെ പണി കാണിച്ചുകൊടുക്കണമെന്നുണ്ടു്. ടെണ്ടർ കൊടുക്കുകയാണെങ്കിൽ പഞ്ചായത്തിനു കോൺഫിഡൻറ്സ് ഇല്ലെന്നു വരുന്നു.

Dr. A. R. Menon *(Minister for Rural Development):* That is left to them. We get generally tender reductions of 25, 30, 35 or even 50 per cent. The estimated rate is so high that you can easily get 25 to 40 or even 50 per cent reduction. Therefore, we thought that 20 per cent is a proper tender reduction.

മിസ്റ്റർ ടി. കെ. നായർ: ബഹുമാനപ്പെട്ട മന്ത്രി പറയുന്നതു തെറ്റാണെന്നു ഞാൻ പറയുന്നില്ല. അതിനുള്ളിൽ കിടക്കുന്ന തത്വം നോക്കുമ്പോൾ അതു കുറച്ചു റിസൻറുചെയ്യും.

Dr. A. R. Menon *(Minister for Rural Development):* That is to make the Panchayats a little more careful. That is the only reason. Not because there is no trust in the Panchayat. It is only to extract sufficient work when done departmentally. Option is given to the Panchayat to call for tenders. Do the work as you please.

Mr. A. V. Moothedan *(Chalakkudi):* The subject matter of the cut motion is the deplorable condition of the roads. Will the Hon'ble Minister take it if it is passed as a vote of no confidence?

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Dr. A. R. Menon *(Minister for Rural Development):* No, No.

I have no objection if you carry this cut motion on the ground that there is insufficiency of funds. I don't mind losing that Re. 1 also.

As has been said by Mr. T. K. Nayar, with this amount, it is very difficult to keep these roads in a very good condition. The amount allotted per mile of road is Rs. 50 and in some cases even this Rs. 50 is not possible to be given. The history of these Panchayat roads will show that the beginning is just like the description given by my friend Mr. Bhaskara Menon. You say, "just have a foot path for people to walk". Then the path is converted into a cart tract. That is converted into an ordinary road for vehicular traffic. Later on, it will become a motor road. Many Panchayat Roads are fit for motor traffic, certainly during the summer season. Some of these roads are not good during winter time. All these roads admit of further improvements, and if funds are forthcoming, certainly, the funds could be very properly used for improving the existing condition of these roads. The House will note that in spite of the principle enunciated here that it is better to keep the existing roads in a proper condition than going in for new roads, incessant demands are being made by members for laying out new roads. Similarly, requests are received from Panchayats and from the public also. The Government are forced to respond to these requests, if not to the fullest extent at least to some extent, in every part of the State. The net result has been every year the mileage of road is increasing and the allotment has not kept pace with the increased mileage. Last year an application was made for additional allotment. But owing to the uncertainty —this is not an excuse—of the war conditions and the consequent loss that may be sustained from the Harbour, the Diwan pointed out that we were not in a position to anticipate exactly the financial situation in the coming year, and it would be a serious thing to incur additional expenditure when one of the main sources of income from the Harbour was not absolutely in a condition of certainty so far as the amount anticipated was concerned. Therefore, this question was not pressed. The Director has done his duty. He has pointed out all his difficulties; he submitted a long report; I made my endorsement on it and then we tried to get some additional allotment. That was the reason. Later on, of course other troubles also arose and whatever balance the Government could scrap up had to be utilised for purposes associated with cyclone and things of that sort. There was no possibility of making a reasonable demand upon the general revenue

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for an additional grant. But this question will again ke kept in view. I am almost certain that there will be an increase in allotment in this year so that these roads may be kept in a better condition. In the meanwhile, as I have stated, the work has been handed over to the Panchayats. I am almost certain the public will appreciate a substantial change in the conditions of these roads in various parts of the villages. We will be able to observe to what extent money properly spent under proper supervision, can effect improvement.

It is only fair to say that there is some reduction in the case of some of the items, but on the whole there is not much reduction if you compare the provisions of the years 1116 and 1117. For example, under maintenance the provision for 1116 was Rs. 39,136 while the provision for 1117 is Rs. 38,887. Under repairs, in 1116 it was Rs. 8,607 whereas the provision for 1117 is Rs. 10,218. Under original works, the provision for 1116 was Rs. 28,742 whereas the provision for 1117 is Rs. 14,910. Here there is a substantial reduction. That is mainly due to the fact that a large amount has been transferred for irrigation purpose. But we have also earmarked another sum from the special funds for original roads namely Rs. 17,000. Therefore, on the whole, you cannot say that there is a great reduction under communications in this department. There may be some slight reduction. With regard to maintenance, the complaint has been incessant and as I said, it was not due to forgetfulness that this matter was not taken up. I have assigned reasons why we were not able to get a substantial increase.

Mr. T. K. Nayar *(Pazhayannur):* Without interruption, may I bring to the notice of the House that a major portion—about 75 per cent—allotted for maintenance is at present being utilised for metalling roads. Of course, I admit that this is a real necessity. What I mean to suggest is that some attention at least may be paid to those roads which are not at all maintained.

Dr. A. R. Menon *(Minister for Rural Development):* Yes. This difficulty can be avoided when the whole amount is handed over to the Panchayat Department.

Mr. T. K. Nayar *(Pazhayannur):* Even then there is the estimate.

Dr. A. R. Menon *(Minister for Rural Development):* We will distribute according to the amount of additional grant so that they may select their own bylanes, for example, they may take one bylane this year and another bylane next year. In that way they may carry on the work. It is only the local bodies that will be able to look into these minor things. The central authority will not be

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able to go into these minor things. That is why I say the moment the Panchayat undertakes this work there will be substantial improvement of these lanes. Anyway this may be watched. I shall remember to increase the allotment for maintenance in the coming year's budget.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, for all these deplorable state of affairs, I cannot blame the Hon'ble Minister. Because every year Panchayat roads are increasing and it will be very difficult to find adequate funds to keep all these roads in a fit condition. At the same time I wish to point out that there is one road in the Kizhake Chalakkudi Village called Kunnath Angadi Road leading to the Hospital.

Dr. A. R. Menon *(Minister for Rural Development):* You mean the one in front of the Hospital? Is it not under the P. W. D?

Mr. A. V. Moothedan *(Chalakkudi):* No. It has been handed over to the Panchayat Department.

Dr. A. R. Menon *(Minister for Rural Development):* Probably, this was handed over some years back. I am not taking any more from the P. W. D.

Mr. A. V. Moothedan *(Chalakkudi):* I request that somebody should attend to these roads.

Panel Chairman: Does the Hon'ble Member wish to speak on the motion?

Dr. A. R. Menon *(Minister for Rural Development):* Is it not improved to some extent?

Mr. A. V. Moothedan *(Chalakkudi):* Something has been done, but not satisfactorily.

Mr. T. K. Nayar *(Pazhayannur):* We are on those roads on which something has not been done.

Mr. V. K. Bhaskara Menon *(Cranganur):* In view of the explanations given by the Hon'ble Minister, I do not press my motion.

Mr. V. N. Damodaran Nambiar *(Trippunittura):* I also do not press.

Motions, by leave, withdrawn

Cut Motion No. 10

Removing the obstructions in the Panchayat Roads

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I rise *to move to reduce the allotment of Rs. 64,077 for (g) Communications total by Re. 1.* This is *to request the Government that all Panchayat*

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Inspectors may be ordered, if necessary with Police assistance, to cut and remove all branches of trees and bamboos obstructing the free use of the Panchayat roads in the State.

Sir, this necessity is found to a great extent in the Mukundapuram Taluk; in the Adur, Chalakkudi, Nellayi and other constituencies, these bamboos are found outgrown on either side of the roads. If you go by these roads you can see these bamboos hanging over the roads in plenty. If you want to go even in bullock carts it is not safe. Sometimes bamboos might strike against your eyes. We cannot even travel in car safely. Who is responsible for this state of affairs? As the House is aware the Panchayat is a body elected by the people, and the Panchayat members will not be willing to displease the voters who are the owners of the land on either side. They will have a sort of delicacy in cutting and removing those bamboos themselves. The result is these bamboos grow in plenty and roads are obstructed. Therefore my suggestion is, the Panchayat Inspector or any other Officer may be empowered under the Nuisance Act or any other Act to go round and cut out these outgrown bamboos. I think there may be power under the Panchayat Act itself. Under whichever Act it is immaterial.

Panel Chairman: What is the Act under which the Hon'ble Member wants to take action?

Mr. A. V. Moothedan *(Chalakkudi):* I think the Advocate-General may have to enlighten us on that.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* Is it not the duty of the Revenue Officers to attend to this kind of work?

Dr. A. R. Menon *(Minister for Rural Development):* Sir, there is sufficient power invested with the Panchayat. Rule 11-B of the Panchayat Rules says:

"Subject to such rules as may be made by Government in this behalf, a Village Panchayat shall have power to do all acts and to require by notice any owner or occupier of any land within the area under its control to do any act or execute any work necessary for or incidental to the carrying out of the functions entrusted to it. If any work required by notice under this section is not executed within the period specified in the notice, the Panchayat may itself cause such work to be carried out and the cost of such work or part thereof may be recovered from the owner or occupier of the land concerned, as if it were an arrear of land revenue".

Therefore this provision gives ample powers to the Panchayat to do all these works.

മിസ്റ്റർ ടി. കെ. നായർ: അധികാരമില്ലെന്നല്ല പോയിൻറ്. വരുന്ന ഏ ലക്ഷൻ പ്രസിഡണ്ടിൻറെയോ, മെമ്പറുടേയോ സീറ കിട്ടുകയില്ലെന്നുള്ളതു കൊണ്ട് അവർ പ്രവേശിക്കുകയില്ല. ഗവൺമെണ്ടിൽനിന്നു വന്നു വെട്ടിച്ചുതരണ മെന്നാണു പറയുന്നതു്.

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Dr. A. R. Menon *(Minister for Rural Development):* Is that the point?

Mr. A. V. Moothedan *(Chalakkudi):* I do not say that the Panchayat has not got the power.

മിസ്റ്റർ വി. കെ. കുട്ടി: പഞ്ചായത്തു് ആക്റ്റപ്രകാരമുള്ള അധികാരങ്ങൾ മിക്കപഞ്ചായത്തുകളും ഉപയോഗിച്ചുവരുന്നുണ്ടെന്നു് എനിക്കറിയാം. ഈ ഉപ ക്ഷേപം പാസാക്കിയാൽ ആ അധികാരം മുഴുവൻ ഇൻസ്പെക്ടർ പോകും. അതു് അനുവദിക്കുവാൻ തരമില്ല. ഇതു് ഇപ്പോൾ പഞ്ചായത്തിനു കൊടുത്തിട്ടുള്ള അധി കാരം ഉപയോഗിക്കുവാനുള്ള അവകാശത്തെ എടുത്തു കളയുകയാണു ചെയ്യുക.

മിസ്റ്റർ എ. വി. മൂത്തേടൻ: എന്റെ മാന്യസ്നേഹിതൻ എന്നോടുകൂടി ചാ ലക്കുടിക്കു വരികയാണെങ്കിൽ ഞാൻ കാണിച്ചുതരാം പഞ്ചായത്തു ചെയ്യുന്നില്ലെ ന്നുള്ളതു്.

മിസ്റ്റർ വി. കെ. കുട്ടി: ചെയ്യുന്നില്ലെങ്കിൽ അവരെക്കൊണ്ടു ചെയ്യി ക്കണം.

Dr. A. R. Menon *(Minister for Rural Development):* Sir, there is ample powers as the House has understood from section 11-B given to the Panchayats in this behalf. When I want to give more powers to the Panchayats, the suggestion is that their power must be exercised by somebody else. I do not think it is a proper suggestion. If a Panchayat after getting these powers cannot execute its work, that Panchayat ought either to resign from its place or the people of that Panchayat must see that those members do not come into the Panchayat.

Mr. A. V. Moothedan *(Chalakkudi):* How can you make them resign?

Dr. A. R. Menon *(Minister for Rural Development):* There is such a thing as public opinion which must be sufficiently strong to compel people to do their work properly. Now the power is given in a comprehensive manner. Just as the power is given to the Municipalities to execute all these works now so many Panchayats have been doing their duties as has been observed by one Panchayat President Mr. Kutty. I think it is due most probably on account of the ignorance of such a rule existing in the Panchayat Act and it may be on account of this that Panchayats are not doing this work properly. I, therefore, think that there is no necessity to make any alteration to our existing rule and I hope that in the light of this section Mr. Moothedan understands how wholly unnecessary it is to issue any orders as suggested in the cut motion.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I had no difficulty in my mind to understand that the Panchayat had power to do this. But my difficulty was that they do not exercise them. I have no

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complaint against Mr. Kutty's Panchayat, for in Cheranellur everything might be going on well. But there are some Panchayats in our constituencies where this power is not exercised at all. What is the use of spending money on these roads if it is not possible to be used by the public safely? Therefore, I say it is a very serious matter. The Panchayats are not exercising these powers. Therefore there must be somebody else to exercise those powers. The Hon'ble Minister may appoint somebody.

Dr. A. R. Menon *(Minister for Rural Development):* To appoint somebody to carry out the executive work of the Panchayat?

Mr. A. V. Moothedan *(Chalakkudi):* Just as Commissioners have been appointed for the Municipality.

Mr. T. K. Nayar *(Pazhayannur):* To appoint a Commissioner for the Panchayats also?

Dr. A. R. Menon *(Minister for Rural Development):* If such is the state of affairs, the best procedure will be to submit a petition to the Government pointing out the difficulties. The Government will then ask for an explanation of the Panchayat and on receipt of their explanation will take necessary steps to see that the Panchayat carries out its work. That is all.

Mr. A. V. Moothedan *(Chalakkudi):* Submitting petitions means a lot of money.

Dr. A. R. Menon *(Minister for Rural Development):* Can you point out any petition that has not been enquired into?

Mr. A. V. Moothedan *(Chalakkudi):* I don't say that the petitions will not be enquired into. But what I say is submitting petitions will be expensive.

However, I do not press the motion.

Motion, by leave, withdrawn

Cut Motion No. 11

Extension of pipe-line to Kadavanthra near Ernakulam

Mr. V. N. Damodaran Nambiar *(Trippunittura):* Sir, I rise *to move to reduce the allotment of Rs. 24,811 for Water Supply by Re. 1. The subject is the necessity of extending pipe line to the village of Kadavanthra near Ernakulam.* Sir, Kadavanthra is a village just two furlongs from the Ernakulam toll gate. As it is there is a tap at the toll gate. It is only about two furlongs from there to the village of Kadavanthra. Most of the people from Kadavanthra and Chelavannur, who are not provided with good drinking water, are

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now coming and taking water from this tap, walking, say about 2 miles from Chelavannur to the toll gate. My submission to this House is that it will not cost the Government much just to extend the pipe-line about two furlongs more so that it may reach Kadavanthra. The people there will take water from a tap on the road-side if one is provided. I may also submit that it will not involve any excess consumption of water, since already people are taking water from the tap situated immediately near the toll gate. The only difficulty now is that they have to walk one mile and sometimes even two miles. Extending this line to Kadavanthra would involve less of walking to these people. That is all. I, therefore, request the Government to consider this matter favourably.

Mr. V. K. Aravindaksha Menon *(Chief Engineer):* Sir, Government have already taken action in increasing the supply of water to Ernakulam and Mattancheri from Chowwara Head Works. Until these works are completed—I hope this work will be completed within 8 or 9 months—it may not be wise to make the extension of water supply as stated in this cut motion. In fact Government have extended, as the Hon'ble Member himself has stated, the water supply outside the town limits. And that is all they could at present do. We all know how difficult the water supply to the Town alone is. Therefore I think that the Government will be able to take action only after the projected scheme for increasing the water supply is completed which, I hope, as I have already stated, will be complete within 8 or 9 months.

Mr. V. N. Damodaran Nambiar *(Trippunittura):* In the light of the Chief Engineer's explanation, I beg leave of the House to withdraw my motion.

Motion, by leave, withdrawn

Cut Motion No. 12

Construction of bathing ghats in the Chalakkudi river

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I move *to reduce the allotment of Rs. 2,36,453 for contribution to Village Panchayats by Re. 1.* This is *to request the Government to construct bathing ghats on both sides of the Chalakkudi river at Vettukadavu and Moozhikkal Kadavu.*

Sir, I had been for the last six and a half years pressing for the construction of some bathing ghats and I have in no sphere failed so miserably as in this matter. I shall quote one or two instances just to bring home to the Government the necessity of constructing bathing ghats on both sides of the river. Last year, the Joint

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Secretary (Mr. Raphael) was camping in Chalakkudi during the summer months. One day his child fell into the river and was about to be drowned. There was another such case also. My submission, therefore, to the House is, if there are proper bathing ghats, people would have bathed there without their life being endangered. I, therefore, submit that bathing ghats must be constructed on either side of the Chalakkudi river at Moozhikal and Vettukadavu. The areas there are very populated. It is very near the Chalakkudi market. In the month of Medam we generally find that even during nights so many hundreds of people bathing there. I would request the Hon'ble Minister to look into this matter very sympathetically.

Dr. A. R. Menon *(Minister for Rural Development)*: Sir, as a matter of fact we wanted to include this item in this year's budget. But owing to a representation of the Panchayat about the miserable condition of a road, that amount has since been transferred. But at the same time orders were issued that this should be included in this year's budget. But it was reported that there are no funds for both the works together. The road work was an unexpectedly urgent work and therefore it was sanctioned by transferring the amount provided for the bathing ghats. Anyway orders have been issued again that one of these bathing ghats should be included in this year's budget. The other one will be undertaken in the next budget.

Mr. A. V. Moothedan *(Chalakkudi)*: I am very grateful to the Hon'ble Minister for his kind assurance. I do not press the motion.

Motion, by leave, withdrawn

Cut Motion No. 13

Trial of suits by Village Panchayats

Mr. P. Govinda Menon *(Mulakunnathukavu)*: Sir, I rise to move *to reduce the allotment of Rs. 2,36,453 for contribution to Village Panchayats by Re. 1.* This is *to discuss that the procedure for the trial of suits by Village Panchayat Courts, should be radically altered and simplified.* There is very great complaint in the country against the administration of justice by the Panchayat Courts. I have no complaint whatsoever to make against the quality of justice that is obtained in the Panchayat Courts. According to me, in 99 cases out of hundred we are getting true decisions and correct decisions from the Panchayat Courts *(hear, hear)*, and if there are one or two cases where the Panchayat Courts go wrong, I think the highest Courts in the State also may be going wrong in such a

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small percentage of cases. Therefore no complaint whatever could be made on that score.

What I have to state before the House is this. In the Panchayat Courts there is very very great delay before we get decisions. There are cases 3 and 4 years old in certain Panchayats and you can understand how ridiculous it is, if courts take two or three years before they come to a decision on petty cases whose valuation is below Rs. 50.

Mr. T. A. Ramachandra Ayyar *(Nellayi):* How many cases are there, please?

Mr. P. Govinda Menon *(Mulakunnathukavu):* There are several cases in several Panchayats.

Mr. A. B. Salem *(Mattancheri):* Justice delayed is justice denied.

Mr. P. Govinda Menon *(Mulakunnathukavu):* I wish to point out to this House that this delay in the administration of justice in the Panchayat Courts is due to several reasons and I wish to point out some of those reasons. At present there is no officer to supervise the judicial work of the Panchayat Court. I think the District Munsiffs have been asked to supervise the judicial work of the Panchayat Courts, and the way in which they exercise that function is to ask the Panchayat clerk to go to the Munsiffs' Courts with the records of the Panchayat Courts once in a year and carry the records back from there after a few days. By records I mean only registers. When the registers are taken to the Munsiffs' Courts, some clerks there scrutinise these registers and the registers will be returned to the Panchayat Courts. Therefore the check and control of the judicial work of the Panchayat Courts exercised by the District Munsiffs are practically nil. I do not also think that the Director of Public Health and Panchayats is exercising any sort of control over the judicial work or give any direction to the Panchayat Courts in the matter.

Mr. T. A. Ramachandra Ayyar *(Nellayi):* He is not a lawyer.

Mr. P. Govinda Menon *(Mulakunnathukavu):* I admit he is not a lawyer. But that will be so even granting he is competent to do it. Therefore there should be some officer appointed who will be able to direct the Panchayats, to give advice to the Panchayats in the matter of a judicial procedure and allied matters. If possible the Panchayat Director should always be a lawyer *(hear, hear)*, who will be able to give the necessary advice to the Panchayat courts in such matters.

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Then on account of the system of election of Panchayat Judges as adverted to by the Hon'ble Minister, although very respectable and very able persons come to the Panchayat Courts as members, it is not often that these people are able to administer justice in the proper way. It may be that a man may be an honest man, he may be a respectable man, he may be a trustworthy man, a man interested in doing proper justice; but if he is not able to do that on account of want of capacity, there is no use of finding fault with him. These judges are generally confronted by a group of people called Panchayat vakils who are well-versed in litigation, generally *nattu karyasthas* and sometimes dismissed vakil clerks. These are the groups of persons who go to Panchayat Courts as vakils. Imagine Sir, the predicament of half-a-dozen unsophisticated gentlemen who do not know anything about the administration of justice, confronted with well-versed litigants to argue from either side about the respective merits of the case. These Panchayat Judges are often helpless before these vakils. Therefore, the first suggestion which I would make before this House is to bring into effect the provision in the Panchayat Act that no vakils should appear in the Panchayat Court. According to the present rules, vakils are not allowed to appear, but that rule is circumvented by persons who have no *vakkalath*, producing something called a *vakkalath*, that is to say, agents. The Act allows agents to appear, because in many cases, the parties themselves may not be able to appear. But that rule is now forgotten and regularly persons who pretend to be vakils are appearing, and the whole show is being run by these people. I would therefore advise the Government to think over the matter and see whether they could prevent these *nattu karyasthas* from appearing before the Judges and conducting the cases for their clients.

Now, if the parties find it difficult to prepare plaints and written statements and conduct their cases in the absence of *nattu karyasthas*, I would make a suggestion. In the matter of filing plaints, etc., the whole matter may be reduced to a printed form. The department may have ready printed forms wherein 3 or 4 columns printed to show കക്ഷികളുടെ പേർ, അവകാശത്തിന്റെ വിവരം, ലക്ഷ്യങ്ങളുടെ സ്വഭാവം, എഴുതിക്കൊടുത്ത തിയ്യതി, etc. Printed forms like that may be supplied to the persons concerned, so that they can fill up these columns and file the plaint. As for the written statement, there is a provision in the Panchayat Act that on the first hearing the defendant may be asked to come to the Court. He may be put into the box, and asked what defence he has to make in the case. If that is done, many of the elaborate written statements that are being filed in the Panchayat Court can be avoided and in two or three hearings the whole case can be closed. But these so-called vakils or agents

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will not allow to do that. I came across a certain case in one Panchayat where one sagacious judge thought it fit to put the defendant in the box and ask him what his defence was. The party said: I want to get an instalment decree, but in the written statement I denied the pro-note, because the vakil advised me that that is the better course *(Laughter)*. The reason is this. He had brought 2 or 3 rupees to be paid in the Court as the first instalment. The vakil thought that a prayer for instalment would deprive him of *his* instalment *(Laughter)* and therefore the written statement was filed in that way. You at once see the difficulty of having such vakils to conduct the cases. The notion that vakils form an integral part of the Panchayat administration is so great that 5 or 6 years back, a Panchayat vakil put in a petition before the Director of Public Health and Panchayats who, I think, is continuing even now—that in the matter of nomination of Panchayat judges to that court, the claims of the Bar had been repeatedly over-looked *(Laughter)* and therefore he may be nominated as judge to that Panchayat Court. And you may be surprised to know that the Director thought that the contention raised by the petitioner was so strong that he was nominated as a judge and the claims of the Bar was thereby satisfied *(Loud laughter)*.

Dr. A. R. Menon *(Minister for Rural Development)*: When was that?

Mr. P. Govinda Menon *(Mulakunnathukavu)*: I think 3 or 4 years back, before you came. And subsequently when the term expired, he retired from the Bench and he has come back to the Bar again and he is carrying on his practice.

Why I referred to this is to show that the notion that vakils form an integral part in the Panchayat administration is one deep-rooted, even in the Department. Now with these paraphernalia—vakils, plaints, written statements, evidence, affidavits and all such things—persons who occupy the position of Judges are always entertaining a feeling of helplessness and they try to imitate the District Judge or the Munsiff whom they have often seen when they go to these courts as witnesses or as parties. And with what result? They post the case for one hearing for framing the issues, although the Panchayat Act does not say that the issues should be framed. Then there is a posting for documents and affidavits, because they have found that procedure in the Munsiff's Court and in the District Court. Then again, they post it for the plaintiff's evidence and then they post it for defendant's evidence. Then again they post it for arguments. They hear arguments in part, and then they adjourn again for arguments in full. With all these paraphernalia, it is no

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wonder that sometimes two or even three years are taken before the poor litigant gets a decree in the Panchayat Courts.

Then again, there is another difficulty experienced at present on account of complicated procedure. Early this year, Government issued a notification saying that Panchayat Judges who take part in a certain case should alone hear that case in the subsequent stages of that case and persons who have not taken part in the case should not take part in the judgment. That is a very salutary notification and it recognises a well known principle of judicial administration. But the difficulty is this. Till this day, these judges had no such notion. Therefore on one hearing four judges *A*, *B*, *C* and *D* would have taken part in taking evidence. At the next hearing, four other judges, *E*, *F*, *G* and *H* would have taken part in the hearing. At the third hearing, four others, *C*, *D*, *E* and *F* would have taken part in the hearing and at the time of delivering the judgment all the eight together deliver judgment and sign the decree. With this result, that in the Munsiff's Court when the matter is taken up in revision, no question of fact could be raised there. There only question of law alone could be raised. And questions of law now-a-days raised in the Panchayat revisions in the Munsiff's Court are always this:—The bench who tried the case at a certain hearing has not throughout tried the case till the day of the judgment and invariably the decisions are reversed and sent back for disposal.

Now, consistently with the notification, Government can improve upon the judicial administration this way. It is not necessary that all the judges should sit together. Directions may be given that they may sit in batches of 3 or 4 so that at the same time 2 or 3 benches may be sitting in the same panchayat. They are sitting only once in a week. I think only 2 benches can sit, because either the President or the senior Judge should be a member of the bench in order that the decree may be legal and binding. In this way the Panchayat work can be expedited by constituting two benches in every panchayat—one bench consisting of 3 or 4 persons can seize a case and dispose it of and at the same time another set of 3 or 4 persons can dispose of another case. The work can be expedited in that way.

Then again, the provisions of the Panchayat Act may be explained to these judges, so that they may understand what all things are obligatory upon them and what all are not obligatory. I will point out another trouble created by these Panchayat judges, because they did not know the law. There is no provision in the Panchayat Act for separate judgment and decree. Some of these judges, either on account of ignorance or in order to give work for their copyists who are not paid men, but who are paid only on piece-work system, write elaborate judgments and then prepare

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separate decrees. That is not necessary. Under the Panchayat Act, judgment and decree should be one and the same. All these mistakes are committed because these people do not know the provisions under which they are working and also because the Department and the persons who ought to be interested in giving them directions, either do not know these things, or do not give them proper directions. The whole administration of the Panchayat Department is now entrusted to two well-known medical men who do not know anything about the administration of justice or of law. Therefore, it is my contention Sir, that the administration of justice in the Panchayat Courts suffers.

The Hon'ble Minister in his opening speech adverted to the advisability of nominating panchayat judges. I think at least 2 or 3 persons in the Court should be nominated not from considerations of communities only, but also from considerations of knowledge also, that is to say, persons who know their business may also be nominated to these Panchayats, because some experience and knowledge also should be represented in the Panchayat courts. With these few observations for the better working of the Panchayat courts, I commend this motion for the acceptance of this House.

*മിസ്റ്റർ ടി. കെ. നായർ : മിസ്റ്റർ പ്രസിഡണ്ട്, സർ, എന്റെ മാന്യസ്നേഹിതൻ മിസ്റ്റർ ഗോവിന്ദമേനോൻ അവതരിപ്പിച്ച ഈ ഉപക്ഷേപത്തെ ഞാൻ വളരെ സന്തോഷത്തോടുകൂടി പിൻതാങ്ങുകയും, അദ്ദേഹം പറഞ്ഞ എല്ലാ സംഗതികളോടും അനുകൂലിക്കുകയും ചെയ്യുന്നു. അദ്ദേഹത്തിനു പഞ്ചായത്തു കോടതികളിലെ വിധികളിന്മേൽ റിവിഷനായിട്ടു മുൻസീഫു കോടതിയിൽ വരുന്ന അസംഖ്യം കേസ്സുകളുമായിട്ടുള്ള പരിചയമായിരിക്കണം ഈ സംഗതിയെക്കുറിച്ചു് ഇത്ര വിശദമായി ഇവിടെ പ്രസ്താവിക്കുന്നതിനു സാധിച്ചിട്ടുള്ളതു്. എന്റെ ഗുഹ പ്പിഴകൊണ്ടു ഞാനും ഈ പഞ്ചായത്തു കോടതികളിൽ ഒന്നിൽ ഇരിയ്ക്കുന്ന ഒരാളാണു്. അതിനാൽ അദ്ദേഹം ഇവിടെ പറഞ്ഞ പലേ സംഗതികൾക്കും ഞാൻ ഒരനുഭവസ്ഥനാണു്. ഞാൻ ഈ പഞ്ചായത്തുകോടതിയിൽ കടന്നുകൂടിയ അവസരത്തിൽ ഇന്നത്തെപ്പോലെയുള്ള സ്ഥിതിയായിരുന്നില്ല ഈ കോടതികളിലുണ്ടായിരുന്നതു്. എന്നാൽ അതിനുശേഷം മുൻസീഫു കോടതികളിൽനിന്നു പാസ്സാക്കി അയക്കുന്ന ഓരോരോ നിയമങ്ങൾ പഠിച്ചു പഠിച്ചു ഞാൻ ഇപ്പോൾ പഞ്ചായത്തു ജഡ്ജി അല്ല, ഒരു മുൻസീഫിന്റെ സ്ഥാനംതന്നെ സ്വീകരിക്കാൻ തക്ക നിയമങ്ങൾ പഠിച്ചുകഴിഞ്ഞിട്ടുണ്ടു്. ഈ നിയമങ്ങളൊക്കെ റിക്കാർഡുചെയ്യുന്നതു ഗുമസ്ഥന്മാരാണു്. അങ്ങിനെ കുറച്ചുനാൾ കഴിയുമ്പോൾ ഈ ഗുമസ്ഥന്മാർതന്നെ ജഡ്ജിയുടെ സ്ഥിതി എടുക്കുകയായി. അവർ മുൻസീഫു കോടതിയിൽനിന്നു് അങ്ങിനെ ഓർഡറുണ്ടു്, ഇങ്ങിനെ ഓർഡറുണ്ടു്, എന്നൊക്കെ പറഞ്ഞു ജഡ്ജിമാരെ പേടിപ്പിക്കുകയായി. ജഡ്ജിമാക്കു് അതു വിശ്വസിക്കാതിരിക്കാൻ നിവൃത്തിയുമില്ല. ഇങ്ങിനെ നോക്കിയാൽ പഞ്ചായത്തു കോടതികളിലെ കഴപ്പത്തിനു് അധികം കാരണം ഈ നിയമങ്ങളാണു്. അതുകൊണ്ടു് നിയമമുണ്ടാക്കി അയ

* Speech not corrected by the hon'ble member.

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ക്കുന്നവർ ആദ്യമായി ആലോചിക്കേണ്ടതു് പഞ്ചായത്തു കോടതികൾ എങ്ങിനെ നടത്തണമെന്നുള്ളതാണു്.

പിന്നെ ഒന്നു് ഏജൻറന്മാരുടെ ഉപദ്രവമാണു്. ഇപ്പോൾ ഏജൻറന്മാർ എന്ന പേർ മാറി വക്കീലന്മാരെന്നതന്നെ സ്വീകരിച്ചുതുടങ്ങീട്ടുണ്ടു്.

ഡോക്ടർ എ. ആർ. മേനോൻ: അവർതന്നെ പറയുന്നതല്ലെ വക്കീലന്മാർ എന്നു്?

മിസ്റ്റർ ടി. കെ. നായർ: അവർതന്നെ പറയുന്നുണ്ടു്; കക്ഷികളും അങ്ങിനെ എഴുതിക്കാണുന്നുണ്ടു്. കുറച്ചുകൊല്ലങ്ങൾക്കുമുമ്പുതന്നെ ഞാൻ പഞ്ചായത്തു കോടതികളുടെ അഡ്മിനിസ്ട്രേഷൻ ശരിയാകുന്നില്ലെന്നും മറ്റുമുള്ള ആക്ഷേപം വന്നപ്പോൾ പറയുകയുണ്ടായിട്ടുണ്ടു്, നിയമജ്ഞനായ ഏതെങ്കിലും ഗവൺമെണ്ടുദ്യോഗസ്ഥനെ പഞ്ചായത്തു കോടതികളിൽ നേരിട്ടു ഹാജരായി കോടതി നടത്തിപ്പിലുള്ള പിശകുകൾ നേരിട്ടറിഞ്ഞു് അതിൽ വേണ്ട ഉപദേശങ്ങൾ ജഡ്ജിമാർക്കു കൊടുക്കുന്നതിനു് ഏർപ്പാടു ചെയ്യണമെന്നും, മുൻസീഫന്മാർ പഞ്ചായത്തു കോടതികളിൽ നേരിട്ടുചെന്നു പരിശോധന നടത്തണമെന്നും.

ഡോക്ടർ എ. ആർ. മേനോൻ: അങ്ങിനെ ചെയ്യുന്നതിനു ഹൈക്കോടതി സമ്മതിക്കുന്നില്ലല്ലോ ?

മിസ്റ്റർ ടി. കെ. നായർ: ഹൈക്കോടതി സമ്മതിക്കുമോ ഇല്ലയോ, ഇതിൻെറ ഭരണകർത്താവും ഹൈക്കോടതിയും തമ്മിലുള്ള വ്യത്യാസമെന്തുയുണ്ടു് എന്നൊന്നും ഞാൻ പറയുന്നില്ല. ആരാണു് ഇതിൽ വേണ്ടതു ചെയ്യുന്നതിനു് ഉത്തരവാദികളെന്നുവെച്ചാൽ അവർ ചെയ്യണമെന്നാണു പറയുന്നതു്. അത്രമാത്രമല്ലെ ഞങ്ങൾക്കു പറയുവാൻ നിവൃത്തിയുള്ളു. ഈ അവസരത്തിൽ എനിക്കു് ഓർമ്മവരുന്നു, മിസ്റ്റർ ടി. എസ്സു്. നാരായണയ്യർ ദിവാൻജിയായിരുന്നുകാലത്തു് ഒരു ദിവസം അദ്ദേഹം ഊരകത്തൊ മറ്റൊ ഒരു പഞ്ചായത്തു കോട്ടിൽ കോടതി നടക്കുന്ന അവസരത്തിൽ പെട്ടെന്നു് അവിടെ കടന്നുചെന്നു് അവിടത്തെ കോടതി നടപടികൾ നേരിട്ടു കണ്ടു മനസ്സിലാക്കി അതിലുള്ള കുറവുകൾ ഇന്നിന്നതെന്നു പറഞ്ഞുകൊടുത്തിട്ടുള്ളതായ ഒരു സംഭവം. ആ ഉപദേശം വളരെ ഉപകാരമായിത്തീർന്നുവെന്നു പിന്നീടു് അവിടത്തെ ജഡ്ജിമാർ എന്നോടു പറഞ്ഞിട്ടുമുണ്ടു്.

ഇപ്പോൾ ഈ പഞ്ചായത്തു കോടതികളിലെ റിക്കാർഡുകൾ മുൻസീഫുകോടതിയിൽ പരിശോധനക്കായി അങ്ങോട്ടു കൊണ്ടുപോകണമെന്നു നിശ്ചയിച്ചുമുതൽ പഞ്ചായത്തു കോടതികളിലെ ഉദ്യോഗസ്ഥന്മാർക്കു കിട്ടീട്ടുള്ള ഒരു ഗുണമെന്തെന്നാൽ ഈ റിക്കാർഡുകൾ മുൻസീഫുകോടതിയിലേക്കയച്ചു പരിശോധന കഴിഞ്ഞു തിരിച്ചുവരുന്നതുവരെ പഞ്ചായത്തുകോടതിയിൽ കേസ്സു നടത്താൻ തരമില്ലാത്തതിനാൽ അവർക്കു പണിയെടുക്കേണ്ടെന്നുള്ളതാണു്.

ഡോക്ടർ എ. ആർ. മേനോൻ: എത്രദിവസം വേണം തിരിച്ചുവരാൻ ?

മിസ്റ്റർ ടി. കെ. നായർ: ഒരു മാസം, ചിലപ്പോൾ രണ്ടുമാസവും വേണ്ടിവരും. കോടതിയിൽനിന്നു റിക്കാർഡുകൾ തിരിച്ചുവന്നാലും അതൊക്കെനോക്കി ശരിയാക്കുന്നതുവരെ പിന്നെയും കേസ്സു നടത്താൻ നിവൃത്തിയില്ല. ഈ കാര്യത്തിൽ ബഹുമാനപ്പെട്ട മന്ത്രി എന്തെങ്കിലും ഒരു തീരുമാനമുണ്ടാക്കണം. പഞ്ചായത്തു കോടതികളെ ഗവൺമെണ്ടിൽനിന്നു നേരിട്ടു പരിശോധിച്ചു് അവർക്കു വേണ്ട ഉപദേശം കൊടുക്കേണ്ടതാണു് ആദ്യമായി ചെയ്യാനുള്ളതു്. ഇനി ഇതിനു് ഒരാളെ പ്രത്യേകം നിയമിക്കേണ്ട ആവശ്യവുമില്ല. ഹൈക്കോടതിയിൽനിന്നു ഡിസ്ട്രിക്ടു് കോടതിയും, ഡിസ്ട്രിക്ടു് കോട്ടിൽനിന്നു മുൻസീഫു് കോടതിയും പരി

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ശോധിക്കുന്നുണ്ട്. അതുപോലെ മുൻസീഫ് കോടതിയിൽനിന്നു പഞ്ചായത്തു കോടതികളും പരിശോധിക്കേണ്ടതാണു്. അതിനുള്ള ഏർപ്പാടുകൾ ചെയ്താൽ മതി.

ബഹുമാനപ്പെട്ട മന്ത്രിയുടെ ഒരഭിപ്രായത്തോടുകൂടി ഈ കാലസ്ഥിതിക്കു് എനിക്കു യോജിക്കാൻ നിവൃത്തിയില്ല. കായ്നടത്തിപ്പിനു് എത്രതന്നെ നല്ലതായാലും കൂടി അതു സ്വീകരിക്കാൻ നിവൃത്തിയില്ല. പൂർണ്ണാധികാരം വേണമെന്നു ജനങ്ങൾ മുറവിളികൂട്ടുന്ന ഇക്കാലത്തു പഞ്ചായത്തിലേക്കു നോമിനേഷനു സ്കോപ്പില്ല, രണ്ടുംകൂടി ആവശ്യമില്ല; ഏതെങ്കിലും ഒന്നുമതി, പഞ്ചായത്തിന്റെ പ്രിൻസിപ്പൽ എലക്ടുചെയ്യുകഴിഞ്ഞിട്ടു് ആ മെമ്പറന്മാർക്കു പവർ കൊടുക്കുക എന്നതാണു്. ആ തത്വം വിട്ടിട്ടു പഞ്ചായത്തു കോട്ടിലേക്കു് നോമിനേഷന്റെ ആവശ്യമില്ല.

ഡോക്ടർ എ. ആർ. മേനോൻ: ഇന്നു് ആകെ ഒമ്പതു ആളെ എടുക്കുന്നതിൽ നാലൊ അഞ്ചോ ആളുകളെ എലക്ടു്ചെയ്താലും ബാക്കി ഒന്നോ രണ്ടോ ആളുകളെ നോമിനേറു ചെയ്യരുതേ ?

മിസ്റ്റർ ടി. കെ. നായർ: അതു പാടില്ലെന്നാണു ഞാൻ പറയുന്നതു്. സിവിൽ പവർ കൊടുക്കണമെങ്കിൽ എല്ലാപേക്കും കൊടുക്കണം.

പിന്നെ ഡിവിഷൻ ബഞ്ചിനെപ്പറ്റി പറഞ്ഞല്ലൊ ? അതിനു നിയമപ്രകാരം തടസ്സമില്ലെങ്കിൽ അതു ചെയ്യുതന്നാൽ കൊള്ളാം. ഒരു കേസ്സിൽ പങ്കെടുത്തിട്ടുള്ള ജഡ്ജിമാർ മാത്രമേ ആ കേസ്സിന്റെ വിധിയെഴുതുന്നതിൽ ഒപ്പിടാവൂ എന്നു നിശ്ചയമുണ്ടു്. എന്നാൽ ഇന്നു ജഡ്ജിമാരെ ഒപ്പിടാൻ കിട്ടുന്നതിനു വലിയ വിഷമമാണു്. ജഡ്ജ്മെൻറ് എഴുതി അതിൽ ഒപ്പിടാൻ ആളെ കിട്ടാതെ മൂന്നു മാസംവരെ വെച്ചുകൊണ്ടിരുന്നിട്ടുള്ള അനുഭവം എനിക്കുതന്നെ ഉണ്ടായിട്ടുണ്ടു്. ഈ കായ്ത്തെ സംബന്ധിച്ചു മേൽ കോട്ടിൽ അപ്പീൽപോയിട്ടുള്ള കേസ്സിൽ ഇങ്ങിനെ താമസിക്കുന്നതിനു കാരണമെന്തെന്നു ചോദിച്ചപ്പോൾ ഞാൻ ഉള്ള കായ്ങ്ങളൊക്കെ എഴുതിക്കൊടുത്തിട്ടുണ്ടു്. എന്റെ കോട്ടിലെ സ്ഥിതി പറഞ്ഞാൽപ്രസംഗിക്കുന്നദിവസം ഹാജരുള്ള ജഡ്ജിമാരെക്കൊണ്ടൊക്കെ ഒപ്പിടുവിച്ചുവെയ്ക്കും. (ചീരി) വിധിയുടെ മുമ്പല്ല അങ്ങിനെ ചെയ്യുന്നതു്. ജഡ്ജിമാരെ കാണുകയില്ല, അതുകൊണ്ടു് അങ്ങിനെ ചെയ്യാതെ നിവൃത്തിയില്ല. ജഡ്ജിമാരുടെ വരവും പോക്കും ആ മട്ടിലാണു്. കാലത്തു രണ്ടുമൂന്നുപേർ വന്നുപോകും, ഉച്ചയ്ക്കു ചിലർ വരും അവർ പോകും, പിന്നെ വൈകുന്നേരം ചിലർ വരും. ഇങ്ങിനെ ഒരു റൊട്ടേഷൻരീതിയനുസരിച്ചുകൊണ്ടിരിക്കും. അതായതു് അവരുടെ സ്ഥാനം നഷ്ടപ്പെടാതിരിക്കാൻവേണ്ടി ആ കാലാവധി കഴിയുന്നതിനുമുമ്പു വന്നുകൊണ്ടിരിക്കും.

ഈ വക കായ്ങ്ങളൊക്കെ ഞാൻ മുൻസീഫിനു് എഴുതീട്ടുണ്ടു്. അതിനാൽ എന്റെ കോട്ടിൽ തല്ക്കാലം ഹാജരുള്ള ജഡ്ജിമാരെക്കൊണ്ടു് ഒപ്പിടുവിച്ചു വിധി പ്രസ്താവിക്കയാണു ചെയ്യുന്നതു്. അതൊക്കെ ആദ്യം അദ്ദേഹം സമ്മതിച്ചിരുന്നു. എന്നാൽ ഇപ്പോൾ കേസ്സു രണ്ടാമതു വിചാരണചെയ്യണമെന്നു പറഞ്ഞു മടക്കി അയച്ചുതുടങ്ങീട്ടുണ്ടു്. ഇങ്ങിനെയൊക്കെയാണു് പഞ്ചായത്തുകോടതികളിലുള്ള കുഴപ്പം. നിയമപ്രകാരം ഇപ്പോഴത്തെരീതിയാകാമെങ്കിലും അതു കായ്നടത്തിപ്പിനു വളരെ വിഷമമായിട്ടാണുകാണുന്നതു്. ഇന്നു പഞ്ചായത്തുകോട്ടിലെ നടപടികളെല്ലാം മുൻസിഫ്കോട്ടിലെപോലെ ആയിട്ടുണ്ടു്. ജഡ്ജിമാരൊഴിച്ചു ബാക്കി കായ്ങ്ങൾ ഒക്കെ മുൻസീഫ്കോട്ടിലെപോലെ ആയിട്ടുണ്ടു്. അതാണു് ഇപ്പോഴത്തെ കുഴപ്പം. ജഡ്ജിമാക്കു നിയമം അറിഞ്ഞുകൂടാ.

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ഇനി ഒരുകാര്യം പ്രധാനമായി പറയാനുള്ളതു് പഞ്ചായത്തുകോടതികളിൽ വക്കീലന്മാരെക്കൊണ്ടുള്ള ഉപദ്രവത്തെപ്പറ്റിയാണു്. വക്കീലന്മാരില്ലെങ്കിൽ കേസ്സുതന്നെ ഇത്രയധികമുണ്ടാകയില്ല. എത്ര നിസ്സാരസംഗതിയാണെങ്കിലും വക്കീലന്മാരുടെ പ്രേരണകൊണ്ടു് അതു കേസ്സായിത്തീരും. തമ്മിൽ പറഞ്ഞുതീർക്കാൻ സാധിക്കുന്ന അനവധി കേസ്സുകൾ ഈ വക്കീലന്മാർ അങ്ങിനെ ചെയ്യുന്നതിനു സമ്മതിക്കുകയില്ല. അവർ കക്ഷികളെ പറഞ്ഞു വശത്താക്കി ഒരൊത്തുതീർപ്പിനും സമ്മതിക്കാതെ വെറുതെ കേസു നീട്ടിക്കൊണ്ടുപോകും. തല്ക്കാലം കൊടുക്കാൻ നിവൃത്തിയില്ലെങ്കിലും പണം വാങ്ങീട്ടുള്ളവരാരും കൊടുക്കേണ്ടെന്നു വിചാരമുള്ളവരല്ല; അവർ ഇൻസ്റ്റാൾമെൻറായിട്ടെങ്കിലും കൊടുത്തുതീർക്കാൻ സമ്മതിക്കുന്നവരുമാണു്. എന്നാൽ അതിനൊന്നിനും ഈ വക്കീലന്മാർ സമ്മതിക്കുകയുമില്ല. അതുകൊണ്ടു് എനിക്കു പ്രധാനമായി പറയാനുള്ളതു് വക്കീലന്മാരെ പഞ്ചായത്തു കോടതികളിൽ കടത്തരുതു്. ഇപ്പോൾ പ്രധാനമായി ചെയ്യേണ്ട ഒരത്യാവശ്യസംഗതിയാണിതു്. വക്കീലന്മാരെ കോടതികളിൽ പ്രവേശിക്കാനേ സമ്മതിക്കരുതു്. അങ്ങിനെയായാൽ ഇപ്പോഴുള്ള പഞ്ചായത്തു കോടതികളിലെ കഴപ്പും തീരുന്നതിനും തൻമൂലം ഗവൺമെണ്ടിൻെറ ഉദ്ദേശപ്രകാരം പഞ്ചായത്തുകോടതികൾ നാട്ടിൻെറ നാനാഭാഗങ്ങളിലും നടത്തുന്നതിനും അവയുടെ പ്രവർത്തനം നാട്ടുകാക്കു ഗുണകരമായിത്തീർക്കുന്നതിനും സാധിക്കും. അല്ലെങ്കിൽ ഇന്നുള്ള കോടതികൾതന്നെ ക്രമേണ പരാജയപ്പെടുമെന്നാണു് ഞാൻ ഈ സഭയെ അറിയിക്കുന്നതു്.

ഈ കാര്യത്തിൽ ഗവൺമെണ്ടിൽനിന്നു വേണ്ടതു ചെയ്യുന്നതിനപേക്ഷിച്ചുകൊണ്ടു മിസ്റ്റർ ഗോവിന്ദമേനോൻ അവതരിപ്പിച്ചിട്ടുള്ള കട്ടു്മോഷനെ ഞാൻ പിൻതാങ്ങുന്നു.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, I support this motion. In doing so, I agree with most of the observations made by my friend and neighbour Mr. Govinda Menon. I only want to add one or two points.

The panchayat vakils are really a nuisance than any assistance to the parties. How to remedy that? If we abolish the system of vakils there may be some difficulty. Because there may be some people who may not be able to appear personally in these courts and represent their case. What I suggest is to insist on a registered power of attorney. Nobody should be allowed to represent a party without a registered power of attorney.

Mr. T. K. Nayar *(Pazhayannur):* What is the suggestion?

Mr. A. V. Moothedan *(Chalakkudi):* Only holders of registered power of attorney need be allowed to appear in Courts on behalf of anybody.

ഡോക്ടർ എ. ആർ. മേനോൻ: സാധുക്കളാണു്, സ്വത്തില്ലെങ്കിലോ?

Mr. A. V. Moothedan *(Chalakkudi):* The expenditure will be only one rupee.

Mr. T. K. Nayar *(Pazhayannur):* It tantamounts to *vakkalath* in another form.

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ഡോക്ടർ എ. ആർ. മേനോൻ: കേസ് അധികവും മൂന്നുപ്പായുടേയും നാലു രൂപായുടേയും ആയിരിക്കും.

Mr. A. V. Moothedan *(Chalakkudi)* Some more formalities may have to be gone into. When these formalities are difficult, *i.e.*, they may have to go to the Registrar to get the power registered and only if there is real contention the parties will resort to all these troubles. Otherwise, they won't simply waste their time and money. I do not say that this will be a perfect remedy. But this is a better method.

Another point is this. Now the District Munsiffs are giving some sort of advice to these courts. The Munsiffs are all hard-worked and generally they will have no time to attend to these things. My suggestion is that advocates of standing may be appointed as Panel of Advisers to these Panchayats. They may be asked to go to these Panchayats when they have time to do so and give them the necessary advice.

Mr. T. K. Nayar *(Pazhayannur):* We want uniform advice.

Mr. A. V. Moothedan *(Chalakkudi):* The Minister can issue circulars suggesting uniform procedure. The Advocates may give practical advice for following the circulars or meeting practical difficulties. That is the suggestion which I would request the Government to consider. There is another important matter also, which I wish to bring to the notice of the House. Under the Panchayat Act, a party aggrieved may apply to the Munsiff's Court for revision. I say, after hearing Mr. T. K. Nayar's experiences, that that power may be abolished. I shall explain how it is to be done. These Panchayat courts as they function now are not, so to say, civil courts. They may be converted into Arbitration Boards. In the Civil Procedure Code there is provision for appointing arbitrators, and under that if an award is passed, there is no revision unless it is proved that the arbitrators were bribed or corrupt. Ordinarily an award passed in that way will be final. There is no revision or appeal from that. Similarly the decrees passed by the Panchayat courts may be made equivalent to the award by the arbitrators. The advantages of this will be that revision applications to the Munsiff's Court would be very rare. All those who will have to apply to the Munsiff's Court may have to prove that either the Panchayat Judges are corrupt or are receiving bribes. Such cases will be very very rare. Therefore, normally Panchayat Judges can go on with their work without any interference by the Munsiffs.

Now the difficulty is, when a matter is taken in revision to the Munsiff's Court they find some material irregularity in the procedure and they set aside the decree. Then the matter is taken to the

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High Court and they also find some irregularity. Moreover if the matter is referred to the High Court, it will take at least two years for obtaining a decree. I know of a case where for 17 rupees the matter was taken to the High Court in revision twice. By abolishing the revisional powers of Munsiffs there will be no harm, because the amount involved in these cases will be only Rs. 50. In all these cases a revision comes only because of some real misunderstanding or enmity between the parties. Otherwise none of these cases would come to the Munsiffs' Courts. Therefore my submission before the House is that revisional powers to Munsiffs may be abolished with the proviso that in matters where it is established that the Panchayat judges are corrupt or are receiving bribes, then the District Munsiff may interfere. Already if there is any material irregularity or error of law there is a revision. That is not necessary. Therefore I submit that the provision regarding revision to the Munsiffs' Courts may be abolished subject to the proviso mentioned previously. These are some of the suggestions I wish to place before the House.

Mr. M. K. Devassy *(Adur):* Sir, while I do not propose to disagree with most of the suggestions which the Hon'ble Members have thrown on the floor of this House, I have some difference of opinion on a few of them. One is the suggestion to abolish the system of agency in the Panchayat court altogether. I prefer that word because that is the word used in the Panchayat Act. It would appear from the speeches made by Mr. Govinda Menon and Mr. T. K. Nayar that the part played by the agents in the Panchayat Courts is a very mischievous one. I am not prepared to justify the conduct of the agents who appear in Panchayat Courts. I believe that there are as many blacksheep among them who tender bad advice to the clients and who exploit the purse of the clients as there are in many other walks of life. But I think it will be a step in the wrong direction if we were to abolish that system altogether, because we will be starting on the assumption that every party who appears before the court is capable of presenting his true case before the court. We are starting on the assumption that a plaint presented by an ignorant old woman can be substantiated by her before the court with all the technicalities required by modern judiciary. When all is said and done, one fact cannot be forgotten that to arrive at truth law insists upon an artificial procedure. However enlightened may be the Judges, however honest they may be in their anxiety to arrive at correct judgments, they are confronted with the difficulty of arriving at truth. What is the method? The only method is that the case of each party has to be presented in the best form possible and when the respective cases are presented,

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after weighing the pros and cons, after giving up the mischievous portion of the arguments and the evidence adduced by each party, the court will arrive at a certain conclusion. According to me, the argument upon which this proposal is based has outlived its purpose. The argument is that the Panchayat court has its origin in the old system obtained in each village, namely, the village headman settling the affairs between one villager and another. It was a very salutary practice that existed and it used to be satisfactorily discharged also. But there is one difference. There was no plaint to be presented in your legal form, there was no written statement to be presented in your legal form, there was no evidence to be adduced in your legal form and above all, in those days before the village headman both parties came voluntarily with a free consent more solely due to the faith they bestow upon him and not by virtue of law. Now, you are substituting that system by an artificial system by which you compel parties by virtue of law to come before your courts and you are compelling parties to abide by the decision of these courts.

Mr. T. A. Ramachandra Ayyar *(Nellyai)*: That body is elected by the public.

Mr. M. K. Devassy *(Adur)*: It may be that my friend Mr. Ramachandra Ayyar votes for *X* and it may be that I have no faith in that *X*.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: Any question of majority.

Mr. M. K. Devassy *(Adur)*: If the majority vote for a man the minority is still at liberty not to have faith in him, so far as this matter is concerned. So that you are now compelling the parties to appear before a court whose decision will be binding by virtue of law. Necessarily therefore you must give the parties all facilities to present their case before the Panchayat courts in as best a manner possible. I shall cite practical difficulties. Suppose there is a suit on accounts coming before a court. It may be that the accounts are absolutely false. The false nature of the accounts may not be found out by examining one account alone, the cash book or the ledger. Its falsity may be proved by referring to other vouchers and subsidiary accounts or even the *padukurupp*. Suppose an ordinary party who has no training in litigation presents a written statement. How is it possible for him even to summon those account books, the evidence of which will play a material part in the disposal of the case unless he is helped in the prosecution of the case by proper advice? So, according to me there is a technical machinery which is inevitable in the disposal of the judicial work.

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In substituting that artificiality you have to put up with this machinery. I am one with the Hon'ble Members in thinking that the morale of the agents in the Panchayat Courts has to be improved. I am one with them in saying that the moment a case comes before the Government where a Panchayat vakil has misbehaved, he should be severely dealt with. I am one with them in saying that all facilities should be given to prefer the complaints before the courts. I even go to the extent of saying that even the qualifications of those agents may be fixed. But it would be a folly if the Government is going entirely to do away with the system. I just wanted to throw this suggestion on the motion

*മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരി : സർ, പഞ്ചായത്തുകോടതികളിലെ വക്കീലന്മാർ എന്നു പേരോടുക്കുടിയ ഏജൻറന്മാരെ ഒഴിവാക്കണമെന്നാണു് ഈ മോഷനിൽ ആവശ്യപ്പെട്ടന്നതായി കാണുന്നതു്. പ്രധാനമായ ഒരു പരിഷ്കരണമാണിതു്. വളരെ അത്യാവശ്യമാണു് ഈ കാര്യ്യം. ഏജൻറന്മാരെ ഒഴിവാക്കിയാൽ പഞ്ചായത്തുകോടതികളിലെ ഇന്നത്തെ മിക്കകുഴപ്പങ്ങളുമില്ലാതാകും. എന്തെന്നാൽ കേസുകളുണ്ടാക്കുന്നതുതന്നെ അവരാണു്. അവരില്ലെങ്കിൽ ഇത്രയധികം കേസുകൾ കോടതികളിൽ വരികയില്ല. പ്രധാനപ്പെട്ട കേസുകൾ മാത്രമേ കോടതികളിൽ വരികയുള്ളു വക്കീലന്മാരുടെ നിത്യവൃത്തിക്കുവേണ്ടി അവർ കക്ഷികളെ പ'റഞ്ഞു പ്രേരിപ്പിച്ചുണ്ടാക്കുന്നാവ ആപത്താണു് ഇന്നത്തെ മിക്ക കേസുകളും. എന്തെന്നാൽ ഒരുതവണ ര അണയെങ്കിലും അവക്കു കിട്ടാതിരിക്കയില്ലല്ലൊ. ഇവരെ ഒഴിച്ചാൽ ഇന്നത്തെ പല കുഴപ്പങ്ങളുമുണ്ടാകാതെ കഴിക്കാം.

ഞാൻ ഈ കാര്യം ഇതിനുമുമ്പുതന്നെ ഇവിടെ പറഞ്ഞിട്ടുണ്ടു്. ഈ അവസരത്തിലെങ്കിലും ഈ കാര്യത്തിൽ ഒരു നിവൃത്തിയുണ്ടാക്കിയാൽ കൊള്ളാമെന്നാണു് എന്റെ വീണ്ടുമുള്ള അപേക്ഷ.

Mr. V. J. Mathai *(Planters):* Sir, while discussing the work of the Panchayat Judges it seems to me that we have to pay a tribute to them for the work they are doing. We must remember in the first place that they are laymen drafted on to the courts. Secondly, they get absolutely no remuneration for the work they are turning out and under the system I may say you cannot expect anything better. I am not prepared to join any member in passing sweeping criticisms upon the present Panchayat courts. So far as certain Panchayat courts are concerned, they are working more or less satisfactorily. Parenthetically I may say that if there is any fault, the fault lies in the system, and it is my attempt to point out how certain remedies can be suggested. But before that, I want to clarify my position and repeat that I am not going to join in any sweeping criticism upon the Panchayatdars or upon the agents who appear before them. I want the House to pay a tribute to the honorary work the Judges are doing and under the difficulties and handicaps

* Speech not corrected by the hon'ble member.

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they are suffering—want of legal knowledge and want of administrative experience. On the question of Panchayat court agents, I think it is going too far if you say, remove them altogether. For the reasons very ably stated by my friend Mr. Devassy, I can never agree to the total abolition of the system of Panchayat agents altogether; because in very many cases you will find the signature is a cross or a ൦ or a big zero. In these cases, it is easy to fabricate a pronote and bring an old woman or an illiterate person or a purdanashin lady as for that matter before a court and squeeze money out of them, if the plaintiff is a clever person. You say the Panchayat agents should be abolished altogether. All these very same arguments will apply to pleaders. I do not join in the total sweeping condemnation of the system of Panchayat agents. Nobody disagrees on the question of the necessity of the improvement of Panchayat administration and to me, the first pre-requisite for any improvement of Panchayat Judicial administration is the abolition of elections altogether, and the constitution of Panchayats by Judges as in the case of Bench Courts in the towns, which are working very satisfactorily, and the present convention is that a person who knows the law is appointed as the first Judge and two other Judges are nominated. Formerly the Magistrate himself was acting as the Chief Judge and two others were co-opted. The result of having elections is that the first essential of the administration of justice that the Judge should have absolutely no interest in the case will often disappear, because election means necessarily getting a majority of votes, necessarily canvassing and making promises often vain promises. You and I are all aware of election tactics, and the consequences of election. In elections necessarily, the first effort of any candidate would be to catch as many votes as possible and in trying to catch votes, many promises would have been made, so many obligations would have been incurred and every Judge who goes on to the Panchayat court will have the fear of dethronement and hopes enthronement later. Therefore, the first pre-requisite of a balanced judgment in all cases, namely, the independence of the Judge can never be obtained in a system of election. It is another pre-requisite of all judicial administration that not only should justice be done but it should appear to the parties and to the world that proper justice has been administered. Therefore, what I am suggesting is that if Judges are elected, the opposite party who voted against the Judge will always have a feeling if a case is decided against him, that his case has been decided against him because of the part he took in the elections. May be the Judges have decided the case very properly. These are some of the essential pre-requisites of proper judicial administration which will disappear in the case of elected Judges. Very often the

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elections do not return a proper man. Elections return the men who are popular for the moment. Their popularity may disappear in five minutes. Therefore I say, do away with the elections altogether and in its place constitute Panchayats by Judges just as you are constituting the Bench Magistrates' Courts in the Municipal towns of Mattancheri, Ernakulam and Trichur; and in doing so, I want to bring to the notice of the Hon'ble Minister the desirability of appointing an advocate on some fixed batta and travelling allowance as one of the Judges of these courts. I have bestowed considerable attention to this matter. The work will not be very heavy since the Panchayat court has to be held only once in a week. It will be a course of training in judicial work and a small allowance, actual expenditure and say Rs. 5 per sitting will come handy to him. We can depend upon him, since he will not be interested in party politics. I should think that it would be a desirable innovation.

Mr. T. K. Nayar *(Pazhayannur):* Is it in addition to the elected one?

Mr. V. J. Mathai *(Planters):* Do away with elections altogether. Just as you constitute bench courts which are sitting in jurisdiction over heavier matters and more serious things, have a bench of Judges because the elections have pernicious effects. The Panchayat Act itself should be liberally construed. In the words of the late Mr. Justice Pattathil Narayana Menon, "My view is, and that I think is the proper one, that the Panchayat Act should be construed very liberally. The Panchayat Act so far as the Judicial Department is concerned lays down certain directory directions to mete out justice in villages. This ought to be the spirit in which the Panchayat Act ought to be worked." The procedure itself is very simple. The only thing is that it is not properly understood. All the hypertechnical provisions contained in the Civil Procedure Code have been taken away. Instead of the original 500 and odd sections there are only a few sections. They are only protections which are absolutely essential for the guarantee of justice. What are the requisites? The presentation of a plaint. A written statement, taking of evidence and judgment. These are the principal provisions so far as the courts are concerned. I agree with the previous speakers the advisability of having a full time Munsiff to supervise the work of the Panchayat Courts or to instruct them. Or you may ask a Munsiff to go to the courts, examine a few cases and give them directions. These will be proper developments to a proper reformation of the whole system. Therefore I say, do away with elections of Judges, constitute a panel of Judges. Have an Advocate of some years' standing as one of the Judges. These are the directions in which reformation seems to be necessary.

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മിസ്റ്റർ എം. എൽ. ജോസഫ്: സർ, ഈ സംഗതിയിൽ ഒരു വലിയപ്രസംഗം ചെയ്യണമെന്നു ഞാൻ ഉദ്ദേശിക്കുന്നില്ല. ഒന്നുരണ്ടു സംഗതികൾമാത്രം പറയണമെന്നുവിചാരിക്കുന്നു. ഒന്നാമതായി ഈവക നിസ്സാരസംഗതികൾക്കു് ഇത്ര വലിയപ്രസംഗം ചെയ്യേണ്ട ആവശ്യമില്ല. പഞ്ചായത്തുകോടതിയെ ഒരു മദ്ധ്യസ്ഥകോടതി എന്നുള്ളനിലമാറ്റി അതൊരു മുനിസിഫ്കോടതിയായി മാറ്റണമെന്നു വിചാരിക്കുന്നുണ്ടെങ്കിൽ അതൊരു ദിവാസ്വപ്നം മാത്രമായിരിക്കും. പഞ്ചായത്തുകോടതിയിൽ ഇവിടെ പറഞ്ഞതുപോലെയുള്ള ചിലകുറ്റങ്ങൾ ഉണ്ടായിരിക്കാം. പഞ്ചായത്തുകോടതി നല്ല മുൻസിഫ്കോടതിയുടെ നിലയിൽ എത്തിച്ചേരണമെന്നു് ആഗ്രഹിക്കുന്നുണ്ടെങ്കിൽ ആ ആഗ്രഹം അസ്ഥാനത്താണെന്നു പറയാതെ നിവൃത്തിയില്ല. ചില പഞ്ചായത്തുകോടതികളിൽ അന്യായത്തേയും അന്യായക്കാരനേയും ഒന്നിച്ചുതള്ളിക്കളയുന്നുണ്ടു്. (ചിരി). പഞ്ചായത്തുകോടതിയിൽ മിസ്റ്റർ പന്മ്പള്ളി ഗോവിന്ദമേനോൻ പറഞ്ഞതുപോലെ ന്യായം നടത്തുന്നതിനു് ഒരു നിയമജ്ഞനെ നോമിനേറ്റു ചെയ്യണമെന്നുപറഞ്ഞാൽ അതു സാദ്ധ്യമല്ല. നിയമം വായിച്ചാൽ മനസ്സിലാകുന്നവരെ അവിടെ നോമിനേറ്റുചെയ്താൽ മതി. വക്കാലത്തു വേണ്ട എന്നുവെക്കുന്നതു ശരിയല്ല. ഇത്രമാത്രമേ എനിക്കുപറയുവാനുള്ളൂ.

*മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ: സർ, ഇതിൽ ഇത്രയുമധികം പറയുവാനുണ്ടായ കാരണം ഒരബദ്ധം പറ്റീട്ടുള്ളതുകൊണ്ടാണു്. എന്തെന്നുവെച്ചാൽ ഇതു മദ്ധ്യസ്ഥകോടതിയല്ല നിയമകോടതിയാണു് എന്നു ധരിച്ചുപോയതാണു് ആ അബദ്ധം. ഓരോവില്ലേജിൽനിന്നും മെമ്പർമാർക്കുടി ഏതെങ്കിലും ഒരു കക്ഷികൊണ്ടുവരുന്നകേസു മദ്ധ്യസ്ഥംപറഞ്ഞുതീർക്കുകയാണു് ഈ പഞ്ചായത്തുകോടതിയുടെ ഉദ്ദേശം. പക്ഷെ അങ്ങിനെയല്ല അതുവെച്ചിരിക്കുന്നതു്. ഒരു നിയമകോടതിയായിട്ടാണു് അതു കരുതിപ്പോരുന്നതു് ഞാനിപ്പോൾ ഒരു പഞ്ചായത്തുപ്രസിഡണ്ടാണു്. എനോടു് ഒരു കോട്ട്പ്രസിഡണ്ടാകണമെന്നു് ഒരിക്കൽ ആവശ്യപ്പെട്ടു. ഞാൻ ആലോചിച്ചുപറയാമെന്നു് അതിനു മറുപടിയും പറഞ്ഞു. എങ്ങിനെയാണു് ഈ കോടതി നടക്കുന്നതു് എന്നറിയുന്നതിനായി ഞാൻ അടുത്തുള്ള ഒരു കോടതിയിൽ അറ്റൻറുചെയ്വാൻ പോയി. കോടതിക്കുടിയിരിക്കുന്നസമയത്താണു ഞാൻ അവിടെ ചെന്നതു്. ഒരു വക്കീലിനു കൂറേശ്ശ ഇംഗ്ലീഷറിയാം. അയാൾ ഒരു പുസ്തകംനോക്കി അലഹബാദു ഹൈക്കോടതിയിൽ ഇങ്ങിനെ പറഞ്ഞിട്ടുണ്ടു്. ഡിംഡിക്കു് എന്നാരാജ്യത്തു് ഇങ്ങിനെ പറഞ്ഞിട്ടുണ്ടു് എന്നൊക്കെ പറഞ്ഞു. ഇതൊന്നും കോടതി അറിയുന്നില്ല. വക്കീൽ ഇങ്ങിനെ പല നിയമങ്ങളും പറഞ്ഞപ്പോൾ ജഡ്ജിമാക്കുപരിഭ്രമമായി. ഇതാണു കോടതിയുടെ ഇപ്പോഴത്തെ നടപ്പു്. ഈ ബോർ കേട്ട ഞാൻ കോട്ട്ജഡ്ജിസ്ഥാനത്തുനിന്നു് ഒഴിഞ്ഞുപോരികയും ചെയ്തു.

പിന്നെ ഏജൻറുമാരുടെ ഉപദ്രവം ചില്ലറയല്ല. എന്നെ പറഞ്ഞിട്ടുണ്ടു്. ചില ഘട്ടങ്ങളിൽ, കേസു് അടിയന്തിരമായി നടത്തുവാനുണ്ടെന്നുപറഞ്ഞു വന്നാൽ അതിനു ഞങ്ങൾ ഒപ്പിട്ടുകൊടുക്കും. ഇങ്ങിനെ ഒരിക്കൽ ഞാൻ ഒരു കടലാസു കേസുനടത്തുന്നതിനു ഒപ്പിട്ടുകൊടുത്തു. ഈ ഏജൻറു കോടതിയിൽചെന്നു കക്ഷിയോടു് അഞ്ചുരൂപാ വാങ്ങിച്ചു കേസു രാജിയാകയുംചെയ്തു. ഈ അഞ്ചുരൂപാക്കു ഞാൻ അയാളുടെ പേരിൽ കേസിനുപോയില്ല. ഇങ്ങിനെ പല കേസുകളിലും ഒപ്പിട്ടു കടലാസ്സുകൊണ്ടുപോയി തകരാറായിട്ടുണ്ടു്. അതുകൊണ്ടു് ഏജൻറുമാരുടെ കാര്യത്തിൽ ഒരു തീരുമാനമുണ്ടാക്കിയാൽ ഇതു കൂടാതെ കഴിക്കാം.

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*Speech not corrected by the hon'ble member.

പഞ്ചായത്തിലേക്ക് ജഡ്ജിമാരെ നോമിനേറ്റുചെയ്യണമെന്നു പറയുന്നതിനോട് ഞാൻ യോജിക്കുന്നില്ല. നേമിനേറ്റു ചെയ്യണമെങ്കിൽ പഞ്ചായത്തുത്തിക്കപ്പുറത്തുള്ള ആളുകളെ നോമിനേറ്റു ചെയ്യണം. പഞ്ചായത്തുത്തിക്കുള്ളിലുള്ളവർ ആരായാലും ഏതെങ്കിലും എലക്ഷൻ കക്ഷിയിൽ പെട്ടവരായിരിക്കും. അതുകൊണ്ട് നോമിനേഷൻ പാടില്ല എന്നാണ് എന്റെ അഭിപ്രായം.

പിന്നെ നിയമം അറിയാവുന്ന ആളുകളെ ജഡ്ജിയായിട്ടു വെക്കണമെന്നുപറഞ്ഞു. ഒരു നിയമം അറിയാവുന്ന ആളെവെച്ചാൽ ബാക്കിയുള്ള ജഡ്ജിമാരൊക്കെ അയാൾ പറയുന്നതുപോലെ കേൾക്കേണ്ടിവരും. അതുകൊണ്ട് ഒരിക്കലും അതു സമ്മതിക്കത്തക്കതല്ല. നിയമവും നാട്ടുപരിചയവുമുള്ള ഒരാളെ അവരെ ഉപദേശിക്കുവാൻ വിട്ടാൽ കാര്യനടപ്പുണ്ടാകും. ചിലദിവസങ്ങളിൽ കോടതിയിൽപോയി ജഡ്ജിമാർക്കു കോടതി നടത്തുന്നതിനുവേണ്ട ഉപദേശം കൊടുക്കുവാൻ ഒരാളെ വെച്ചാൽ തരക്കേടില്ല. ഇത്രമാത്രമേ എനിക്ക് ഈ കാര്യത്തിൽ പറയുവാനുള്ളൂ.

Dr. A. R. Menon *(Minister for Rural Development):* Sir, in spite of the long debate we had on this point we were not able to reach to any definite conclusions. Different viewpoints have been advocated, but there is no uniformity at all as to the nature of the changes that should be adopted. I am not surprised at it because we are dealing with an institution which has most probably outgrown its usefulness. Certain institutions which might have been successful in the past may not be able to fulfil the requirements of the present day. Thus the question arises, is it necessary to keep the Panchayat Court institution or to abolish it? Or, if it is decided to keep it, what changes should be effected and if changes were effected, would it become a kind of judicial court changing entirely its aspect as the Panchayat court? In olden times where there was no communication, when people were living in isolated areas as a unit, this system must necessarily be of great use to them, but with free communications, this isolation has ceased to exist and the court or the method adopted in the olden time does not seem to give complete satisfaction to the requirements of the existing state of affairs. Last year when a discussion of this kind took place in this House the main complaint was, as it is this year, the inordinate delay in the disposal of cases in these courts. An order was issued as a result of that discussion that no case should be allowed to last more than six months and if any case does last more than that period, the case must be reported to the Government. We have not yet received any complaint after that. But apart from the two or three suggestions offered here, I think the time has come to consider this question in detail by appointing a committee by the Government to go into this question and the opinions arrived at after due consideration by that Committee must be placed before the House for its consideration. A debate like this may not lead us to a definite conclusion, and I think the House will agree with me in getting the

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opinion of an expert committee consisting of the members of this House and Judicial officers from outside. Such a Government Committee should go into this question in detail, study the various aspects and formulate necessary changes so that the Panchayat Courts may be placed on a sound basis. I do not think any useful purpose will be served by answering the various points now raised and I hope the House will accept my suggestion and the cut motion will be withdrawn in the light of the explanation I have offered.

Mr. P. Govinda Menon *(Mulakunnathukavu)*: Mr. President, in view of the offer made by the Hon'ble Minister, I do not think any useful purpose will be served by my answering certain points raised against my arguments by some of my friends. I am sure that by this time both the non-officials as also the Government would have come to the conclusion that things have reached a stage where enquiry and enlightenment is necessary, and I therefore welcome the suggestion made by the Minister that a committee will be appointed to enquire into the working of the Panchayat Courts and to get proper recommendations and I hope the Minister will do that soon. On that assurance, I beg leave to withdraw my motion.

Motion, by leave, withdrawn

The House rose for the day at 5 p.m.

C. J. MATHEW

Secretary to the Council

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